

MEETING NO. 12
May 5, 2005

ERIE COUNTY LEGISLATURE

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MEETING NO. 12
MAY 5, 2005

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was Held.

The Pledge of Allegiance was led by Ms. Cusack.

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – Minutes of previous meeting were tabled.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – HOLT & SMITH presented a resolution Recognizing National Children's Health Week Summit Day On May 4, 2005.

Item 7 – MR. DeBENEDETTI presented a resolution Recognizing Ms. Gail Chapman Upon Her Retirement From ECMC After 37 Years of Service.

Item 8 – MAJORITY CAUCUS presented a resolution Recognizing The Week of May 3, 2005 As Armed Forces Week.

Item 9 – HOLT & SMITH presented a resolution In Memory of Juanita Silas Lewis.

Item 10 – MR. WROBLEWSKI presented a resolution Honoring Evelyn Domnissey For 30 Years Of Dedicated Service To The Meals on Wheels Organization.

Item 11 – MR. DUSZA presented a resolution Recognizing The Month Of May As Older Americans Month.

Item 12 – MR. DUSZA presented a resolution Honoring Southwind Senior Complex in The Town Of Cheektowaga.

Item 13 – MR. McCARVILLE presented a resolution Honoring The 2005 Orchard Park Chamber of Commerce Award Winners.

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Item 14 – MS. MARINELLI moved to include a miscellaneous resolution not on the agenda from MR. HOLT. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. MARINELLI moved to include a miscellaneous resolution not on the agenda from MR. RANZENHOFER. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for consideration of the above ten items. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above ten items by making them ET AL Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the above ten items as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the Community Services Committee.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #2) 2004 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2005 remain on the table.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2005 remain on the table.

GRANTED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 23 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 11E-29. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

RE: Parks Dept. - 2005 Amended Budget

WHEREAS, the 2005 Budget for the Erie County Parks Department is not sufficient for operation of the County Parks or the continuation of projects on the Erie County Parks Master Plan, and

WHEREAS, personnel adjustments are required to re-open County Parks,

NOW, THEREFORE, BE IT

RESOLVED, that the following positions are hereby restored in the 2005 Adopted Budget in the Department of Parks, Recreation & Forestry for the period of May 1, 2005, through October 31, 2005:

29 Full Time positions of Parks Maintenance Worker I JG3
 11 Full Time positions of Parks Maintenance Worker II JG5
 2 Full Time positions of Parks Maintenance Worker III JG7
 2 Full Time positions of Automotive Mechanic-Parks JG9
 1 Full Time position of Chief Parks Ranger JG8
 1 Full Time position of Recreation Assistant JG5
 1 Full Time position of Parks Superintendent JG11
 1 Full Time position of Receptionist JG3
 1 Full Time position of Secretary to Commissioner of Parks JG8
 15 Seasonal Park Attendants JG42

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RESOLVED, that 2005 Budget Appropriations be increased in the Parks Department, Parks Division 16410, as follows:

500000	Personal Services	\$811,730
500300	Shift Differential	\$ 9,000
501000	OT(Holiday,Premium)	\$ 38,522
502000	Fringe Benefits	\$265,938
500030	Seasonal Wages	\$ 47,610
505000	Office Supplies	\$ 3,000
505200	Clothing Supplies	\$ 2,000
505600	Vehicle Maintenance	\$ 66,000
505800	Medical Supplies	\$ 400
545000	Rental Expense	\$ 3,000
516030	Maint.Contract(garbage)	\$ 20,000
516020	Professional Services	\$ 5,000
506400	Highway Supplies	\$ 500
506200	Bldgs & Grnds.Maint.	<u>\$122,300</u>
Total Appropriations		\$1,395,000

RESOLVED, that 2005 Budget Revenues be increased in the Parks Department, Parks Division 16410, as follows:

418500	Camping Fees	\$ 55,000	2004 Fee Schedule
418510	Shelter Fees	\$190,000	2004 Fee Schedule

RESOLVED, the amount of \$1,000,000 be transferred from the Department of Environment and Planning, Division 134010, account 516000-Public Benefits, to the Erie County Parks Department.

RESOLVED, the amount of \$150,000 be utilized from the 2004 Master Plan to cover the salaries of seven Parks employees working exclusively on Master Plan Tobacco projects.

RESOLVED, that in the event technical adjustments are needed to the Parks Division, the Department of Budget has the authorization to make such changes.

RESOLVED, that certified copies of this resolution be sent to the Department of Parks, Recreation & Forestry, the Erie County Executive, the Erie County Personnel Department, the Office of the Comptroller, and the Division of Budget, Management and Finance.

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

DELETE the first (1st) RESOLVE Clause in its entirety and **REPLACE** with the following:

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RESOLVED, that the following positions are hereby restored in the 2005 Adopted Budget in the Department of Parks, Recreation & Forestry:

29 Full Time positions of Parks Maintenance Worker I JG 3
 11 Full Time positions of Parks Maintenance Worker II JG 5
 2 Full Time positions of Parks Maintenance Worker III JG 7
 2 Full Time positions of Automotive Mechanic-Parks JG 9
 1 Full Time position of Chief Parks Ranger JG 8
 1 Full Time position of Recreation Assistant JG 5
 4 Full Time positions of Parks Superintendent JG 11
 1 Full Time position of Receptionist JG 3
 1 Full Time position of Secretary to Commissioner of Parks JG 8
 15 Seasonal Park Attendants JG 42

DELETE the sixth (6th) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that in the event technical adjustments are needed to the Parks Division to effectuate these restorations, any such adjustments must come back to the Legislature for approval and no adjustments may be made without legislative review and approval, and be it further

MS. MARINELLI moved for the approval of the resolution as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, and SMITH. NOES: CUSACK, MARSHALL, RANZENHOFER, WEINSTEIN and WROBLEWSKI. (AYES: 10, NOES: 5).

CARRIED.

Item 24 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 10E-56. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

RE: Resolution Regarding 2005 Budget
 Appropriations for the Erie County Clerk's
 Office (Registrar & Auto Bureau) and Increase
 in Cover Fee

WHEREAS, the Erie County Clerk's Office Registrar's Division performs many constitutional and statutory functions as mandated by law, and the Erie County Clerk serves as the Clerk for County and Supreme Court and is responsible for the timely filing of court documents, and

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WHEREAS, the post lay-off Staffing levels in the County Clerk's Office are insufficient to perform the mandated functions required as the Clerk of the Courts, resulting in delays in court filings and consequently adversely affecting Court functions in County and Supreme Court, and

WHEREAS, the Erie County Registrar's Office has historically returned millions of dollars in surplus revenues annually to the general fund of Erie County, and

WHEREAS, it is necessary for the Erie County Registrar's Office to be sufficiently staffed and financed in order to provide the mandated services and generate surplus revenues for the County, and

WHEREAS, by increasing staff, buyers of homes in Erie County will save hundreds of dollars in gap insurance they otherwise would have to purchase due to the inability of the post lay-off staffing levels to ensure timely filing of land records, and

WHEREAS, the State of New York also mandates that the County of Erie provide Auto Bureau services for the citizens of Erie County, and the County receives 12.7% in revenue for each Auto Bureau transaction performed, and

WHEREAS, the only current site of the Erie County Auto Bureau [Cheektowaga Office] is insufficient to service the needs of the citizens of Erie County and to collect the fees that generate revenue to the County, and that because of the inconvenience of long lines, customers are taking their motor vehicle business to neighboring counties, resulting in a loss in revenue to Erie County, and

WHEREAS, the present appropriation for Auto Bureau lease obligations is designated for the Cheektowaga Office, it is necessary to appropriate funding to re-open the Downtown Auto Bureau at 77 Broadway to recapture the lost revenues for Erie County, and

WHEREAS, the recently adopted budget of the State of New York will substantially increase the gross revenue that the County will collect from its Auto Bureau transactions beginning in 2006, provided that convenient locations are available for customers in Erie County, and

WHEREAS, adjusted budget appropriations for the Registrar and Auto Bureau Divisions of the Erie County Clerk's Office may be made at no net cost to Erie County, and the re-opening of the Downtown Auto Bureau will prevent an anticipated year end revenue shortfall generated by the Auto Bureau, and

WHEREAS, the Erie County Clerk's Office presently collects a \$5 surcharge for the cost of creating a cover sheet for each recorded document filed in the County and this fee presently results in approximately \$700,000 for the County, and

WHEREAS, the Erie County Legislature has the authority to increase the \$5 cover sheet surcharge to \$15 per cover sheet resulting in a projected net increase of \$1.1 million for the remainder of 2005, and

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WHEREAS, the adoption of an increase in the cover sheet of \$1.1 million will provide sufficient funding for the staff restorations proposed therein.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to increase cover page fees in the Registrar's Office, effective May 1, 2005, from \$5 per page to \$15, it is anticipated that this fee increase will generate \$1.1 million in revenue for the County, and be it further

RESOLVED, that the following budget adjustments are hereby authorized in the County Clerk's Office in order to fund staffing levels that will provide efficient service, enhance revenue collections, and to allow for the re-opening of the Downtown Auto Bureau at 77 Broadway, while maintaining its lease obligations at the Cheektowaga Auto Bureau:

REGISTRAR

Revenue	Increase
Acct 415170 Cover Page Fees	\$1,100,000
Expense	
Acct 500000 Personal Services	388,500
Acct 502000 Fringe Benefits	97,125
Acct 516020 Professional Services	<u>35,000</u>
Total Registrar Expense Increase	\$520,625

AUTO BUREAU

Acct 500000 Personal Services	351,700
Acct 502000 Fringe Benefits	87,925
Acct 516020 Professional Services	39,750
Acct 516030 Rental	<u>100,000</u>
Total Auto Bureau Expense Increase	\$579,375

Net County Cost \$ 0

and be it further

RESOLVED, that authorization is hereby provided to add the following positions in the County Clerk's Office,

REGISTRAR	Total Cost
1 Sr. Document Clerks (JG6)	\$28,300
1 Chief Document Clerk (JG9)	35,000
1 Operations Communication Coordinator (JG8)	32,000
1 Sr. Records Inventory Clerk (JG8)	26,000
11 Document Clerks (JG5)	267,200
Total Personnel Restorations	\$388,500

AUTO BUREAU Total Cost

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1 Branch Manager (JG10)	\$37,600
12 Motor Vehicle Representative (JG5)	294,100
1 Delivery Svc. Chauffeur (JG4)	20,000
Total Personnel Restorations	\$351,700

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the County Clerk, the County Attorney, and the County Executive.

MR. WEINSTEIN moved to amend the resolution. MR. CUSACK seconded.

MR. SWANICK moved to send the amendment to the FINANCE & MANAGEMENT COMMITTEE. MR. SMITH seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CUSACK, MARSHALL, RANZENHOFER, and WEINSTEIN. (AYES: 11, NOES: 4)

CARRIED.

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CUSACK, MARSHALL, and RANZENHOFER. (AYES: 12, NOES: 3)

CARRIED.

Item 25 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro 11-4. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

RE: A Plan For Reductions In The Workforce
In The Erie County Legislature

WHEREAS, recently all departments within Erie County have had to make difficult staffing decisions resulting from severe budget constraints in the 2005 Erie County Budget, and

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WHEREAS, the 2005 Erie County Budget as adopted on December 8, 2004 and amended on January 6, 2005, February 14, 2005, February 17, 2005, and March 3-4, 2005 resulted in a reduction from 96 funded full and part-time staff positions down to approximately 36 combined full-time and part-time funded staff positions for the remainder of the year, and

WHEREAS, in order to deal with a reduced budget, the Legislature has decided to opt to require furlough days, or days without pay, from employees to meet staffing needs and stay within the allotted budget for the position and the department, and

WHEREAS, these actions are not a disciplinary action, but rather simply a means to place an employee in a temporary non-duty and non-pay status due to a lack of funding, and

WHEREAS, this Department has worked diligently with, and appreciates the counsel offered by, the Department of Personnel and the Division of Labor Relations Department to formulate an effective plan for dealing with workforce reductions in the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that employees may not use vacation or other leave time during a furlough period as a means to limit the furlough, and be it further

RESOLVED, that holidays and sick days occurring during furlough periods shall not be paid, and be it further

RESOLVED, that the employer's portions of contributions to programs such as the NYS Pension System are and shall be based upon actual earnings which may reduce credited time toward the pension, and be it further

RESOLVED, that furlough periods shall not be deemed as a separation in service, and will not make individuals eligible to cash-out accrued leave at that time, and be it further

RESOLVED, the accrual of regular leave time shall be the same as for non-furlough periods, and be it further

RESOLVED, that while employees are not paid for days while on furlough, other benefits during the furlough periods should not be adversely affected, and be it further

RESOLVED, that benefits such as medical and dental insurance shall continue in effect during furlough periods without negatively affecting the employee, and be it further

RESOLVED, that the furlough periods for majority central staff and the clerk's staff shall be as follows:

There shall be three (3) classes of furlough

1. Three weeks (A or B) equaling approximately
a 7.5% reduction in salary from pay period # 7 through the end of the
year for the following employees / positions:

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EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	128
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	129
RPT	110	100	1003030	CONSTITUENT SERVICE LIAISON (RPT)	1867
FT	110	100	1003030	JUNIOR ADMINISTRATIVE ASSISTANT LEG	5277
FT	110	100	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	8149

2. Four weeks (A or B plus 1 week) equaling approximately a 10% reduction in salary from pay period # 7 through the end of the year for the following employees / positions:

EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	FIRST ADMINISTRATIVE ASSISTANT LEG	3461
FT	110	100	1003030	ADMINISTRATIVE LIAISON ASSISTANT LEG	217
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	127

3. Six weeks (A or B plus 3 weeks) equaling approximately a 15% reduction in salary from pay period # 7 through the end of the year for the following employees / positions:

EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	CHIEF OF STAFF-LEGISLATURE	1227

[A] ½ staff furlough on July 25-29; August 8-12, and August 22-26

EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	127
FT	110	100	1003030	FIRST ADMINISTRATIVE ASSISTANT LEG	3461
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	128
RPT	110	100	1003030	CONSTITUENT SERVICE LIAISON (RPT)	1867
FT	110	100	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	8149

[B] ½ staff furlough on August 1-5; August 15-19, and Aug 29 -Sept 2

EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	CHIEF OF STAFF-LEGISLATURE	1227
FT	110	100	1003030	ADMINISTRATIVE LIAISON ASSISTANT LEG	217
FT	110	100	1003030	JUNIOR ADMINISTRATIVE ASSISTANT LEG	5277
FT	110	100	1003030	ADMINISTRATIVE ASSISTANT LEGISLATURE	129

[C] Additional periods as necessary to meet targets above:

Furlough Sept 12-16, Sept 19-23, and December 12-16

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EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	CHIEF OF STAFF-LEGISLATURE	1227

Furlough June 13-17

EE	Fund	Fund Center	Cost Center	Job Title	Position
FT	110	100	1003030	ADMINISTRATIVE LIAISON ASSISTANT LEG	217

RESOLVED, that the Clerk of the Legislature shall have the ability to substitute furlough weeks if he deems that it is in the best interest of the Legislature, but the total length of time for the furlough shall not be changed without the approval of the Legislature, and be it further

RESOLVED, that furlough periods may be expanded in the event of further budget exigencies so that more severe reductions in staffing and service may be mitigated, and be it further

RESOLVED, that the vacancies created by the recent layoffs in the Department shall be deleted as follows:

EE	Fund	Fund Center	Dept	Cost Center	Job Title	Group	Step	
FT	110	100	Legislature	1003030	ADMINISTRATIVE CLERK (LEGISLATURE)	7	2	154
FT	110	100	Legislature	1003030	ADMINISTRATIVE CLERK (LEGISLATURE)	7	2	155
RPT	110	100	Legislature	1003030	COUNSEL - LEGISLATURE (RPT)	56	1	2132
RPT	110	100	Legislature	1003030	COUNSEL - LEGISLATURE (RPT)	56	1	2133
FT	110	100	Legislature	1003030	EXECUTIVE ASSISTANT LEGISLATURE	14	5	3409
FT	110	100	Legislature	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	9	2	8147
FT	110	100	Legislature	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	9	5	8148
FT	110	100	Legislature	1003030	SENIOR ADMINISTRATIVE ASSISTANT LEG	11	2	8153
FT	110	100	Legislature	1004040	ADMINISTRATIVE ASSISTANT-LEGISLATURE	10	4	136
FT	110	100	Legislature	1004040	ADMINISTRATIVE CLERK (LEGISLATURE)	7	5	152
FT	110	100	Legislature	1004040	ADMINISTRATIVE CLERK (LEGISLATURE)	7	5	153
FT	110	100	Legislature	1004040	SENIOR ADMIN CLERK (LEGISLATURE)	9	4	8145
FT	110	100	Legislature	1004040	SENIOR ADMIN CLERK (LEGISLATURE)	9	4	8146
FT	110	100	Legislature	1004040	SENIOR ADMINISTRATIVE ASSISTANT LEG	11	A	8152
RPT	110	100	Legislature	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5	1655
RPT	110	100	Legislature	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5	1656
RPT	110	100	Legislature	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5	1658
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1668
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1669
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1671
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1672
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1673
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1674
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1675
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1676
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1677
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1678

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PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1679
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1680
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1681
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1682
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1683
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1684
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1685
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1686
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1687
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1688
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1689
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1691
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1692
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1693
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1694
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1695
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE) PT	1	5	1697
RPT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9244
RPT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9245
RPT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9246
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9247
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9251
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	A	9254
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9255
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9256
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9258
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9265
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9266
FT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIST OF	6	5	9270
RPT	110	100	Legislature	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	51000999
PT	110	100	Legislature	1005017	CLERK TYPIST(LEGISLATURE)PT	1	5	51001000

and be it further

RESOLVED, that these reductions are based upon implementation of the amendments in the Departmental budget made on February 14, 2005, February 17, 2005, and March 3-4, 2005 and shall serve as replacements for those reductions to the Legislature budget, and be it further

RESOLVED, that any technical corrections necessary to implement this resolution shall be presented to the Legislature for future action, and be it further

RESOLVED, that certified copies of the resolution shall be presented to the Commissioner of Personnel, the Director of Labor Relations, and the County Attorney.

MS. MARINELLI moved to amend the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and REPLACE with the following:

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WHEREAS, recently all departments within Erie County have had to make difficult staffing decisions resulting from severe budget constraints in the 2005 Erie County Budget, and

WHEREAS, the 2005 Erie County Budget as adopted on December 8, 2004 and amended on January 6, 2005, February 14, 2005, February 17, 2005, and March 3-4, 2005 resulted in a reduction from 96 funded full and part-time staff positions down to approximately 36 combined full-time and part-time funded staff positions for the remainder of the year, and

WHEREAS, this Department has worked diligently with, and appreciates the counsel offered by, the Department of Personnel and the Division of Labor Relations to formulate an effective plan for dealing with workforce reductions in the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the following full-time positions in Fund 110, Fund Center 100, Cost Center 1003030 in the Department of the Legislature be changed to accommodate the new job title and corresponding changes to job group and step as follows:

CURRENT JOB TITLE	JOB GROUP/STEP	CURRENT POSITION	NEW JOB TITLE	NEW JOB GROUP/ STEP
JUNIOR ADMINISTRATIVE ASSISTANT LEG	8.2	5277	ADMINISTRATIVE CLERK	7.1
SENIOR ADMIN CLERK (LEGISLATURE)	9.5	8149	JUNIOR ADMINISTRATIVE ASSISTANT LEG	8.4
ADMINISTRATIVE ASSISTANT LEGISLATURE	10.2	128	SENIOR ADMIN CLERK (LEGISLATURE)	9.1
ADMINISTRATIVE ASSISTANT LEGISLATURE	10.2	129	SENIOR ADMIN CLERK (LEGISLATURE)	9.1
ADMINISTRATIVE ASSISTANT LEGISLATURE	10.5	127	SENIOR ADMIN CLERK (LEGISLATURE)	9.4
ADMINISTRATIVE LIAISON ASSISTANT LEG	12.3	217	SENIOR ADMINISTRATIVE ASSISTANTE LEG	11.2
FIRST ADMINISTRATIVE ASSISTANT LEG	13.4	3461	ADMINISTRATIVE LIAISON ASSISTANTE LEG	12.3

and be it further

RESOLVED, that the following regular part-time positions in Fund 110, Fund Center 100, Cost Center 1003030 in the Department of the Legislature be changed to accommodate the new job title and corresponding changes to job group and step as follows:

CURRENT JOB TITLE	JOB GROUP/STEP	CURRENT POSITION	NEW JOB TITLE	NEW JOB GROUP/ STEP
CONSTITUENT SERVICE LIAISON (RPT)	48.1	1867	SENIOR ADMIN CLERK	9.4

and be it further

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RESOLVED, that the following positions shall have their corresponding job group lowered as follows, in Fund 110, Fund Center 100 in the Department of the Legislature be changed to accommodate the new job title and corresponding changes to job group and step as follows:

CURRENT JOB TITLE	JOB GROUP/STEP	CURRENT POSITION	NEW JOB TITLE	NEW JOB GROUP/ STEP
CHIEF OF STAFF LEGISLATURE	17.3	1227	CHIEF OF STAFF LEGISLATURE	14.1
CHIEF OF STAFF MINORITY	17.5	1228	CHIEF OF STAFF MINORITY	14.1

and be it further

RESOLVED, that the following full-time positions in Fund 110, Fund Center 100, Cost Center 1004040 in the Department of the Legislature be changed to accommodate the new job title and corresponding changes to job group and step as follows:

CURRENT JOB TITLE	JOB GROUP/STEP	CURRENT POSITION	NEW JOB TITLE	NEW JOB GROUP/ STEP
ADMINISTRATIVE ASSISTANT LEGISLATURE	10.3	122	ADMINISTRATIVE CLERK (LEGISLATURE)	7.1
EXECUTIVE ASSISTANT – LEGISLATURE	14.5	3414	SENIOR ADMIN CLERK (LEGISLATURE)	9.1
FIRST ADMINISTRATIVE ASSISTANT LEG	13.4	3462	JUNIOR ADMINISTRATIVE ASSISTANT LEG	8.1

and be it further

RESOLVED, that the following full-time positions in Fund 110, Fund Center 100, Cost Center 1005017 in the Department of the Legislature be changed to accommodate the new job title and corresponding changes to job group and step as follows:

CURRENT JOB TITLE	JOB GROUP/STEP	NEW JOB TITLE	NEW JOB GROUP/ STEP
SENIOR SECRETARIAL ASSIST LEG DIST OF	6.5	SENIOR SECRETARIAL ASSIST LEG DIST OF	6.4
SENIOR SECRETARIAL ASSIST LEG DIST OF RPT	6.4	SENIOR SECRETARIAL ASSIST LEG DIST OF RPT	6.4
CLERK TYPIST (LEGISLATURE) PT	1.5	CLERK TYPIST (LEGISLATURE) PT	1.4

and be it further

RESOLVED, that if the minority caucus wishes to change its staff allocation for district offices and/or minority central staff within the allotted budget, they have been and continue to be able to submit a plan to the Chair of the Legislature to make such personnel adjustments; and be it further

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RESOLVED, that the following other staff adjustments are made for the district office and committee staffing of the Erie County Legislature:

OLD POS #	OLD JG/STEP	NEW POSITION	NEW POS #	NEW JG/STEP	REMARKS
9253	JG 06-5	Sr. Sec Asst RPT	new	JG 06-4 same	Chg ft to rpt
2134	JG 56	Counsel Leg PT	New		Change to pt
9249	JG 06-5	Sr. Sec Asst RPT	New	JG 06-4 same	Chg ft to rpt
156	JG 07-5	Sr. Sec Asst. RPT	9246 vacant	JG 06-4	Chg ft to rpt
9248	JG 06-5	Sr. Sec Asst. RPT	New	JG 06-4 same	Chg ft to rpt
9263	JG 06-5	Clerk Typist RPT	1655 Vacant	JG 01-4	Chg ft to rpt/chg jg
5276	JG 08-5	Sr. Sec Asst FT	9253 vacant	JG 06-4	jg chg 8 to 6
9259	JG 06-5	Admin Clerk	153 Vacant	JG 07-1	chg position and jg
51000999	JG 06-5	Sr. Sec Asst RPT	New	JG 01-4	Pt to rpt
1657	JG 01-5	Sr. Sec Asst RPT	9244 vacant	JG 01-4	Pt to rpt
9262	JG 06-5	Sr. Sec Asst RPT	New	JG 06-5 same	Chg ft to rpt
1696	JG 01-5	Clerk Typist RPT	1656 vacant	Same hrly	Pt to rpt
1659	JG 01-0	No chg	No chg	JG 01-4	Change rpt to pt
9250	JG 06-5	Sr. Sec Asst RPT	New	JG 06-4 same	Chg ft to rpt
9267	JG 06-C	No chg	No chg	JG 06-4	Step chg c to 5
9261	JG 06-5	Sr. Sec Asst RPT	New	JG 06-4 same	Chg ft to rpt
1670	JG 01-5	Sr. Sec Asst. RPT	9245 vacant	JG 01-4	Chg to rpt
9264	JG 06-5	Sr. Sec Asst RPT	New	JG 06-4 same	Chg ft to rpt

RESOLVED, that adjustments/transfers within the Departmental budget of the Legislature shall be made as follows:

Reduce the following budgeted amounts

FUND	FUND CENTER	ACCOUNT	ACCOUNTY	CURRENT BUDGET	ADJUSTED BUDGET
110	100	530000	OTHER EXPENSES	226,890	176,890
110	100	510200	TRAINING & EDUCATION	8,898	0
110	100	504990	REDUCTIONS FROM SVS ACCOUNT	-200,000	0

and transfer funds to the following lines

FUND	FUND CENTER	ACCOUNT	ACCOUNTY	CURRENT BUDGET	ADJUSTED BUDGET
110	100	500000	PERSONAL SERVICES	1,455,994	1,514,892

and be it further

RESOLVED, that the vacancies created by the recent layoffs in the Department shall be deleted as follows:

EE	FUND	FUND CENTER	DEPT	COST CENTER	JOB TITLE	GROUP	STEP
FT	110	100	LEGISLATURE	1003030	ADMINISTRATIVE CLERK (LEGISLATURE)	7	2 154
FT	110	100	LEGISLATURE	1003030	ADMINISTRATIVE CLERK (LEGISLATURE)	7	2 155
RPT	110	100	LEGISLATURE	1003030	COUNSEL – LEGISLATURE (RPT)	56	1 2132
RPT	110	100	LEGISLATURE	1003030	COUNSEL – LEGISLATURE (RPT)	56	1 2133
FT	110	100	LEGISLATURE	1003030	EXECUTIVE ASSISTANT LEGISLATURE	14	5 3409
FT	110	100	LEGISLATURE	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	9	2 8147
FT	110	100	LEGISLATURE	1003030	SENIOR ADMIN CLERK (LEGISLATURE)	9	5 8148
FT	110	100	LEGISLATURE	1003030	SENIOR ADMINISTRATIVE ASSISTANT LEG	11	2 8153
FT	110	100	LEGISLATURE	1004040	ADMINISTRATIVE ASSISTANT – LEGISLATURE	10	4 136
FT	110	100	LEGISLATURE	1004040	ADMINISTRATIVE CLERK (LEGISLATURE)	7	5 152
FT	110	100	LEGISLATURE	1004040	ADMINISTRATIVE CLERK (LEGISLATURE)	7	5 153
FT	110	100	LEGISLATURE	1004040	SENIOR ADMIN CLERK (LEGISLATURE)	9	4 8145
FT	110	100	LEGISLATURE	1004040	SENIOR ADMIN CLERK (LEGISLATURE)	9	4 8146
FT	110	100	LEGISLATURE	1004040	SENIOR ADMINISTRATIVE ASST LEG	11	A 8152
RPT	110	100	LEGISLATURE	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5 1655
RPT	110	100	LEGISLATURE	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5 1656
RPT	110	100	LEGISLATURE	1005017	CLERK TYPIST (RPT) LEGISLATURE	1	5 1658
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5 1668

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PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1669
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1671
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1672
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1673
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1674
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1675
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1676
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1677
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1678
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1679
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1680
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1681
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1682
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1683
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1684
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1685
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1686
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1687
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1688
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1689
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1691
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1692
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1693
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1694
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1695
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	1697
RPT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9244
RPT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9245
RPT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	9246
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9247
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9251
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	A	9254
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9255
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9256
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9258
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9265
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9266
FT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS OF	6	5	9270
RPT	110	100	LEGISLATURE	1005017	SENIOR SECRETARIAL ASSIST LEG DIS RPT	6	5	51000999
PT	110	100	LEGISLATURE	1005017	CLERK TYPIST (LEGISLATURE) PT	1	5	51001000

RESOLVED, that these reductions are base upon implementation of the amendments in the Departmental budget made on February 14, 2005, February 17, 2005, and March 3-4, 2005 which made reductions in the amounted budgeted for personnel services in the Department, and shall serve as replacements for those reductions to the Legislature budget, and be it further

RESOLVED, that all of these adjustments shall be made to personnel lines effective May 6, 2005, and be it further

RESOLVED, adjustments to personnel lines shall be implemented by the Clerk of the Legislature and the Department of Personnel, and be it further

RESOLVED, that any technical corrections necessary to implement this resolution that can not be done administratively shall be presented to the Legislature for future action, and be it further

RESOLVED, that certified copies of the resolution shall be presented to the Commissioner of Personnel.

MS. MARINELLI moved for the approval of the item as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED.

Item 26 – MR. RANZENHOFER moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Intro 11-16. MR. SWANICK seconded. LEGISLATORS CUSACK and MARSHALL voted in the negative.

CARRIED.

RESOLUTION NO. 101

RE: Appointment To The Erie County Water Authority

WHEREAS, Article 5 of the Public Authorities Law, known as the Erie County Water Authority Act, established the corporation for the purposes and charged with the duties and having the powers set forth within the Act, and

WHEREAS, the powers of the Authority in providing water to the citizens of Erie County include the power to purchase, in the name of the authority, a water supply system, water distribution system, real property and any improvements, extensions, and betterments situated within the County of Erie including the power to purchase any source of supply or water supply system situated outside the County of Erie, and to enter into cooperative agreements with other water authorities, municipalities, counties, towns, villages, water districts and utility companies within) or without the territorial limits of the district for the inter-connection of facilities, and the exchange or interchange of services and commodities, or for any other lawful purposes necessary and desirable to effect the purposes of the title, and to do all things necessary and convenient to carry out the powers expressly given under the Erie County Water Authority Act, and

WHEREAS, Section 1053 of the Erie County Water Authority Act provides for the Authority to consist of three (3) members, all of whom shall be residents of the County and not more than two (2) members of the said Authority in office at any time shall belong to the same political party thereby creating a Board with broad representation, and

WHEREAS, a vacancy on the Board will exist as of April 27, 2005, and

WHEREAS, on Monday, April 18, 2005, the Energy and Environment Committee of the Erie County Legislature interviewed an applicant for appointment, and

WHEREAS, Robert J. Lichtenthal, Jr. appeared before the committee and expressed his interest to the appointment of the Erie County Water Authority,

NOW, THEREFORE, BE IT

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RESOLVED, in accordance with Section 1053 of the Public Authorities Law, the sponsors of this resolution representing a majority of a Minority of the political party represented in the Erie County Legislature, do hereby nominate Robert J. Lichtenthal, Jr. for appointment as a Commissioner of the Erie County Water Authority attaching herewith such nomination, and be it further

RESOLVED, that the Chairman of the Erie County Legislature is hereby requested to appoint Robert J. Lichtenthal, Jr. to the Erie County Water Authority, thereby facilitating his confirmation by a majority of such legislators, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Water Authority and Robert J. Lichtenthal, Jr. (12234 Hunts Corners Road, Akron, NY 14001).

MR. RANZENHOFER moved to amend the item by attaching a letter from CHAIRMAN HOLT appointing Mr. Lichtenthal to the Erie County Water Authority. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

June 15, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

RE: Appointment to Erie County Water Authority

Dear Mr. Kelley:

Upon the nomination in writing signed by a majority of the members of the Republican Party of the Erie County Legislature, I hereby appoint as a Commissioner of the Erie County Water Authority **ROBERT LICHTENTHAL, 12234 Hunts Corners Road, Akron, NY 14001**, for a three-year term commencing April 28, 2005 and expiring April 27, 2008.

Confirmation of the above appointment is hereby requested.

Very truly yours,

George A. Holt, Jr.
Chairman
Erie County Legislature

MS. MARINELLI moved for the approval of the item as amended. MR. SWANICK seconded.

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CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, and SMITH. NOES: CUSACK, MARSHALL, DeBENEDETTI, MARINELLI, and WROBLEWSKI. (AYES: 10, NOES: 5)

CARRIED.

Item 27 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 11E-28. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

RE: Parks, Recreation, & Forestry -Golf
Courses - Amendment to Comm. 9E-15

WHEREAS, on April 7, 2005, this Honorable Body passed Communication 9E-15 to re-open County golf courses, and

WHEREAS, said resolution requires more specific language to comply with Section 1812 of the County Charter, and

WHEREAS, budget and personnel adjustments are also required to fulfill the original intent of the resolution.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 1812 of the County Charter, authorization is hereby provided to increase current fees for all county golf cart rentals by \$2, and be it further

RESOLVED, that authorization is hereby provided to create in the Department of Parks, Recreation and Forestry, eight (8) Seasonal Park Attendants JG42, and eight (8) Part Time Park Attendants to act as cashiers and starters at the County's golf courses, and be it further

RESOLVED, that authorization is hereby provided to adjust the funding provided in Communication 9E-15 for the re-opening of the County Golf Courses as follows:

REVENUES		Original Resolution Funding Allocation	Amount Change Increase/ (Decrease)	Final Funding Adjustment
418510	Shelters	\$ 10,300		\$10,300
418530	Golf-Other	1,153,094	(1,135,094)	18,000
420500	Concessions	18,200		18,200
418540	Golf-Greens		<u>1,127,282</u>	<u>1,127,282</u>

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Total Revenue		1,181,594	7,812	\$1,173,782
APPROPRIATIONS		Original Resolution Funding Allocation	Amount Change Increase/ (Decrease)	Final Funding Adjustment
500000	Personal Services	\$630,712	(\$68,047)	\$562,665
500010	Part Time Wages		28,515	28,515
500030	Seasonal Wages	80,000		80,000
500300	Shift Differential	2,476		2,476
500350	Other Employee Payments	1,650		1,650
501000	Overtime	5,500	20,672	26,172
502000	Fringe Benefits	207,274	10,000	217,274
505600	Auto Supplies	31,144	5,000	36,144
506200	Repairs and Maintenance	56,000	5,000	61,000
515000	Utilities		104,176	104,176
516020	Professional Srv. Contracts and Fees	106,926	(101,816)	5,110
516030	Maintenance Contracts		2,000	2,000
530000	Other	1,000		1,000
545000	Rental	<u>51,100</u>	<u>(5,500)</u>	<u>45,600</u>
Total Appropriation		\$1,173,782	\$0	\$1,173,782

and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Department of Parks, Recreation and Forestry, the Department of Personnel, the Office of the Comptroller and the Division of Budget, Management and Finance.

MR. MARINELLI moved to amend the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 11E-28
TO BE SUBMITTED BY LEGISLATOR WROBLEWSKI

RE: DEPARTMENT OF PARKS, RECREATION AND FORESTRY – GOLF COURSES

DELETE the third (3rd) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that in the event technical adjustments are needed to the Parks Division, any such adjustments must come back to the Legislature for approval and no adjustments may be made without legislative review and approval, and be it further

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. (AYES: 15, NOES: 0)

CARRIED.

Item 28 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 10E-32. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

RE: Cooperative Agreement between EC and
the FBI, Regional Computer Forensic
Laboratory, National Program Office

WHEREAS, Erie County Central Police Services is charged to coordinate, administer, originate and promote programs of professional and technical services to the police agencies in the county, and

WHEREAS, in 2004 the FBI-Regional Computer Forensic Laboratory-National Program Office designated Erie County as a FBI-affiliated computer forensic laboratories, and

WHEREAS, this designation provides funding for alterations, remodeling of physical space, equipment, personnel and training needed to operate a Regional Computer Forensic Laboratory, and

WHEREAS, the RCFL has a cooperative agreement which details the terms of the partnership between the FBI and Erie County, and

WHEREAS, in exchange for their support the County agrees to provide space in the Public Safety Campus for this initiative,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County to enter into a cooperative agreement with the RCFL to provide space in the Public Safety Campus, and be it further

RESOLVED, that the County is authorized to accept funds not to exceed \$550,000 to provide for the buildout of the space in the Public Safety Campus

RESOLVED, that the \$550,000 funds be received and deposited into the Public Safety Campus Project CA.00061 and be it further

RESOLVED, that Project CA.00061 revenues and the appropriation be increased by \$550,000 and be it further

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RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the existing contractors, not to exceed the amount of \$550,000 to complete the work.

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, Office of the Sheriff of Erie County and the Departments of Public Works and the Department of Central Police Services.

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 11E-23. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: Opening The Public Safety Campus After
Completion Of Construction

WHEREAS, the Public Safety Campus construction is nearing completion and a Certificate of Occupancy will be awarded soon, and

WHEREAS, due to the severity of budget cuts within the Department of Public Works, there is currently not sufficient staff to open the building, and

WHEREAS, it is not the desire of the Department to “mothball” a brand new state-of-the-art building upon completion, and

WHEREAS, working within the Central Police Services Department, funds have been identified to provide the staff necessary to open the building through the E-911 Reserve Account,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the establishment of the following positions to be paid from the E-911 Reserve Account (Account 409000, Dept. 165):

- One (1) Chief Stationery Engineer, Job Grade 9 (4 months; September to December)
- Three (3) Stationery Engineers, Job Grade 7 (9 months; April to December)
- Two (2) Stationery Engineers, Job Grade 7 (6 months; July to December)
- One (1) Head Laborer, Job Grade 4 (6 months; July to December)
- One (1) Laborer, Job Grade 3 (6 months; July to December)
- One (1) Laborer, Job Grade 3 (3 months; October to December)
- One (1) Building Guard, Job Grade 4 (8 months; May to December)

and be it further,

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RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Commissioner of Personnel, the Director of Budget, Management & Finance, the Office of the Comptroller, the Commissioner of Central Police Services, and the Commissioner of Emergency Services.

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

*** MR. SWANICK left the Erie County Legislature Chambers and is no longer present.

Item 30 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Intro 11-3. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Support For Strengthening The
New York State Sex Offenders
Registry Act

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KENNEDY

RE: SUPPORT FOR STRENGTHENING THE NEW YORK STATE SEX OFFENDERS
REGISTRY ACT

WHEREAS, on July 29, 1994, a 7-year-old Hamilton Township, New Jersey girl was lured into her neighbor's home with the promise of a puppy and was brutally raped and murdered by a two-time convicted sex offender, and

WHEREAS, shortly after that time, New York State joined numerous other states in passing Megan's Law legislation which created a statewide registry of convicted sex offender, and

WHEREAS, this law mandates that anyone on parole or probation or imprisoned for a sex offense on January 21, 1996, to register with the Division of Criminal Justice Services. In addition, sex offenders sentenced to probation, local jail, or state prison after that date must register upon their return to the community, and

WHEREAS, since 1996, when Megan's Law was first passed, it was expanded in 1999, 2002, and 2003, and

WHEREAS, at this time, only Level 2 (moderate risk of re-offense) and Level 3 (high risk of re-offense) sex offenders must register with police. It is then the police department's responsibility to notify area school districts. Parents must then contact the police department or the New York State website to obtain information, and

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WHEREAS, New York State recently received an 'F' on a national Megan's Law Report Card produced by Parents' for Megan's Law, a not-for-profit child advocacy and Megan's Law watchdog group, and

WHEREAS, this survey evaluated a community's level of accessibility of sex offender registration information, the extent of information available and national participation in civil commitment laws, and

WHEREAS, numerous problems have been reported around the State of information about sex offenders not being properly disseminated to area residents, and

WHEREAS, Governor Pataki recently introduced legislation to include Level 2 sex offenders on the New York State Criminal Justice website, where, presently, information is only available about Level 3 offenders,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature is in strong support of Megan's Law and its intent of protecting our most valued resource, our children, and be it further

RESOLVED, this honorable body is in support of the proposal to include Level 2 sex offenders on the New York State Criminal Justice website, and be it further

RESOLVED, the Erie County Legislature calls for a State Commission to be formed to investigate problems Megan's Law has in New York State, particularly in the area of dissemination of information, and to recommend changes to improve this important and vital law, and be it further

RESOLVED, that this Honorable Body requests that the Buffalo Public Schools explore establishing guidelines similar to those in suburban school districts for the notification of local residents when sexual offenders move into their neighborhoods, and be it further

RESOLVED, that this Honorable Body requests that the new Superintendent of Schools in Buffalo work with the Buffalo Board of Education, Buffalo Police Department, Erie County Department of Probation, as well as other law enforcement, school, and neighborhood entities to disseminate appropriate warning and advisory information to residents concerning local sexual offenders, and be it further

RESOLVED, the Clerk of the Legislature is instructed to send certified copies of this resolution to the Sheriff Patrick Gallivan, the Western New York delegation to the NYS Legislature, Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Attorney General Eliot Spitzer, and Parents for Megan's Law (PO Box 145, Stony Brook, New York 11790), Commissioner of the Buffalo Police Department Rocco Diina, the Buffalo Board of Education, and Erie County Commissioner of Probation George Alexander.

TIMOTHY M. KENNEDY

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for approval of the item as amended. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOT PRESENT: SWANICK. (AYES: 14, NOES: 0, NOT PRESENT: 1)

CARRIED.

Item 31 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro 11-6. No motion to second was made.

COMMITTEE REPORTS

Item 32 – MS. MARINELLI presented the following report and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

APRIL 27, 2005

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8E-21 (2005)
COUNTY EXECUTIVE: ECSD No. 1 - A/E Agreement Dated 11/7/02 - Parsons Engineering Science, Inc. - Change Order No. 1
 (5-0)
 - b. COMM. 9E-17 (2005)
COUNTY EXECUTIVE: Letter to Personnel Commissioner Re: Laid-Off Sheriff's Department Officers
 (5-0)
 - c. COMM. 11E-17

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COUNTY EXECUTIVE: ECSD No. 2 - Eminent Domain Proceedings - Utica Trunk -
Contract No. 60EV
(5-0)

2. **INTRO 4-3** **AS AMENDED**
DUSZA, CHASE, & McCARVILLE

WHEREAS, U.S. Route 219 Southern Expressway, which runs from West Seneca to Springville has been designated as a "scenic byway", which will ensure that its world-class scenic views and potential recreation activities can be properly advanced and protected for future generations of New Yorkers to enjoy and take great pride in, and

WHEREAS, the State of New York often names or renames public buildings, parks, roadways or other public venues to honor the life or lives of an outstanding person or group having had an important and positive impact and service to the local community, state or country, and

WHEREAS, whenever we as a community and nation can pay respect to our past and present citizens who have dedicated their lives and made the ultimate sacrifice in serving our country through the armed services, we should take the initiative and honor those in any way feasible, and

WHEREAS, currently our brave men and women are fighting for our freedom around the world, especially in efforts in the Mid-East like Iraq and Afghanistan, and

WHEREAS, many of our veterans who have made the ultimate sacrifice for America have come from many of the small villages and towns the U.S. Route 219 Southern Expressway connects, and

WHEREAS, Arthur Benson had a long and successful career including owning Art Benson Ford and Mercury, in Springville, for nearly 20 years, and

WHEREAS, Arthur Benson will also be remembered by his community for the civic work he performed, as the President of the Springville Chamber of Commerce, and his work with the "Alcoholics Anonymous" organization, and

WHEREAS, his most notable work was in relation to the extension of U.S. Route 219, including serving as president of the U.S. Route 219 Association, and

WHEREAS, the Buffalo News described him as "...a gregarious man who advanced (the extension of U.S. Route 219) his cause through the force of his personality and his conviction that it would reap economic benefits for Western New York."

NOW, THEREFORE, BE IT,

RESOLVED, the Erie County Legislature finds it fitting that the brave men and women, past, present and future, who have dedicated and sacrificed their lives for our country should trade places with his namesake and therefore calls on the State of New York to rename the northern section (*U.S. Interstate 90 Highway Interchange, Town of West Seneca, New York, to the U.S. Route*

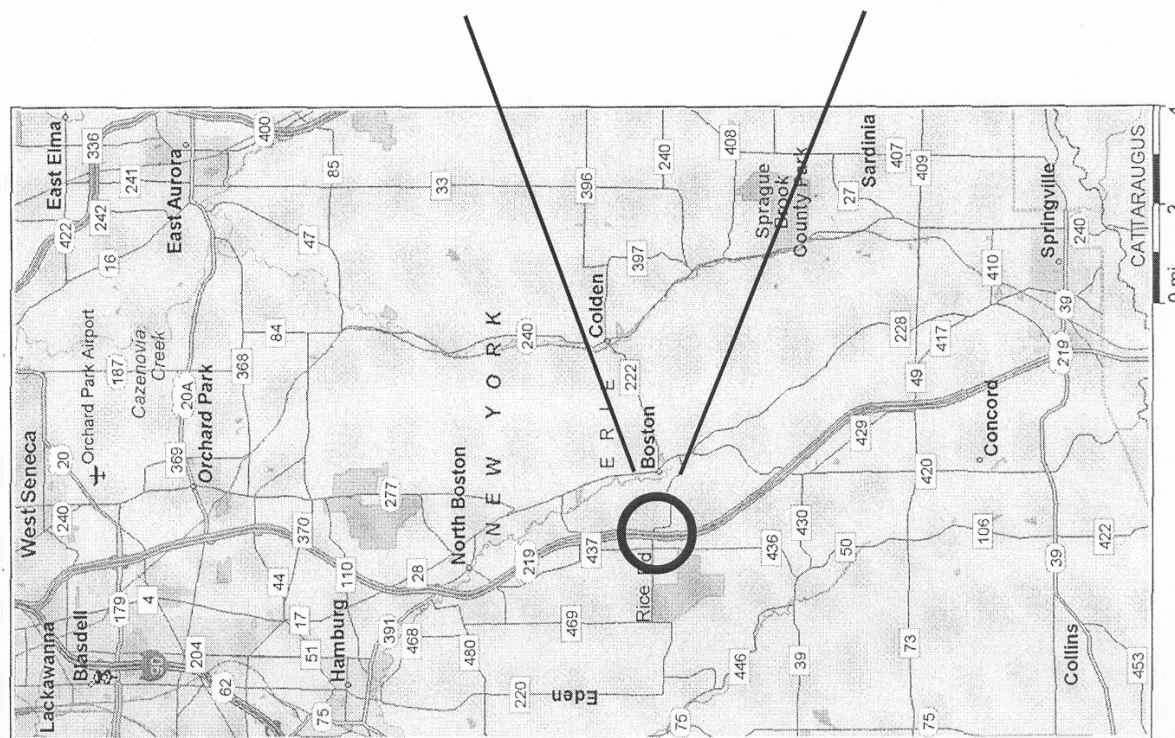
MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE**

219 Expressway - Rice Road Exit, Town of Boston, New York) of U.S. Route 219 Southern Expressway as the "Veterans Memorial Highway," and be it further

RESOLVED, the Erie County Legislature finds it fitting that the man often known as "Mr. 219" should trade places with his namesake and therefore calls on the State of New York to rename southern section (*U.S. Route 219 Expressway- Rice Road Exit, Town of Boston, New York to the Route 219 Expressway terminus and NYS Route 39, Town of Concord, New York*) of U.S. Route 219 Southern Expressway as the "Art Benson Memorial Highway," and be it further

RESOLVED, that certified copies of this resolution, along with attached map, shall be transmitted to the Western New York Delegation to the New York State Legislature, Senate Majority Leader Joseph L. Bruno, Assembly Speaker Sheldon Silver, Governor George Pataki, Erie County Executive Joel Giambra, Town of West Seneca Town Board, Town of Orchard Park Town Board, Town of Boston Town Board, Town of Concord Town Board & the Village of Springville Village Board, Association of Erie County Governments (c/o Judy Reischuck - 98 Mary Ann Drive - East Aurora, New York 14052), Louis R. Palma - Director of Erie County Veterans Affairs, Harry Rudy, SVC – NYS Division of Veterans' Affairs (L. K. Painter Community Center - 2355 Main Street, PO Box 575 - Collins, NY 14034-0575), and Harry V. Wahl, Republican Chief of Staff - Erie County Legislature.

Northern Section of U.S. Route 219: "VETERANS MEMORIAL HIGHWAY"
Southern Section of U.S. Route 219: "ARTHUR BENSON MEMORIAL HIGHWAY"



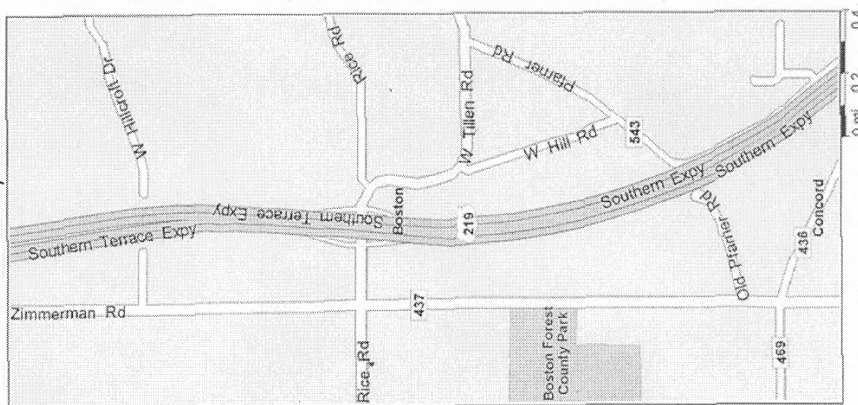
**VETERANS
MEMORIAL HIGHWAY**

**ARTHUR BENSON
MEMORIAL
HIGHWAY**

**VETERANS
MEMORIAL HIGHWAY**

**ARTHUR BENSON
MEMORIAL
HIGHWAY**

U.S. Route 219 - Rice Road Exit
Town of Boston, New York



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(5-0)

3. COMM. 6E-18

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry suffered damages to its facilities during floods from May 13, 2004, to June 17, 2004, and

WHEREAS, the area was declared a disaster area by the Federal Government, and

WHEREAS, the Erie County Parks Department and the Bureau of Forestry will incur costs of approximately \$182,000.00 to rebuild their structures, roads and nature walks, and

WHEREAS, Federal/State Disaster Aid is available to fund the majority of these incurred costs at a rate of 75% Federal, 12.5% State and 3% Administrative Aid from the Federal Government for a total of 90.5% reimbursement, and

WHEREAS, these reimbursement rates result in the following amounts of revenue:

Department of Parks, Recreation & Forestry

Federal	\$136,500.00
State	\$ 22,750.00
Fed.Admin.Aid	\$ <u>5,460.00</u>

Total Reimbursement	\$164,710.00
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NOW, THEREFORE, BE IT

RESOLVED, that the 2005 Capital Budget is hereby amended to include a Capital Project for 2004 Flood Relief-Department of Parks, Recreation & Forestry in the amount of \$164,710.00, and be it further

RESOLVED, that the source of funds for this Capital Project shall be unanticipated reimbursement revenue as follows:

Department of Parks, Recreation & Forestry

Federal	\$136,500.00
State	\$ 22,750.00
Fed.Admin.Aid	\$ <u>5,460.00</u>

Total Reimbursement	\$164,710.00
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and be it further

RESOLVED, that all flood related expenditures be accounted for in the above project up to the maximum authorizations, and be it further

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RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive's Office, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Emergency Services.

(5-0)

4. COMM. 8E-22 **AS AMENDED**

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Flow Chamber and Control Building Installation Project, Contract No. 33, on April 6, 2005,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
33	Paul J. Gallo Contracting, Inc. 4244 Ridge Lea Road Amherst, New York 14226	\$331,900.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work,

NOW, THEREFORE, BE IT

RESOLVED, that the Flow Chamber and Control Building I Installation, Contract No. 33, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
33	Paul J. Gallo Contracting, Inc. 4244 Ridge Lea Road Amherst, New York 14226	\$331,900.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Sewer Capital Account of Erie County Sewer District No.1, C.00032 (430-694) by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and I directed to allocate \$331,900.00 from the Sewer Capital Account of Erie County Sewer District No.1, C.00032 (430-694), and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to Joel A. Giambra, County Executive; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; and one certified copy to Nancy Naples, Erie

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County Comptroller's Office; Gregory Dudek, Assistant County Attorney; and Gregory Gach, Comptroller's Office.

(5-0)

5. COMM. 11E-16

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Orchard Avenue sanitary sewers when the Village reconstructs the roads in 2005 and 2006; and

WHEREAS, the cost estimate for the replacement of the sanitary sewers is \$100,000.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the rebuilding of the Orchard Avenue sanitary sewers together with the Village's reconstruction of the roads and water lines is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$100,000.00 from ECSD No. 3 Capital Account C.00039 for the replacement of the Orchard Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning.

(5-0)

6. COMM. 11E-18

COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 1 Board of Managers desire to eliminate the Broadway West Pumping Station in Erie County Sewer District No. 1 in the Town of Cheektowaga; and has authorized the construction of a gravity sanitary sewer to provide sewer service; and

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain proceedings to acquire the necessary easements to complete the project.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent domain proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement and/or fee interest for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
1	102.04-3-24.1	Cheektowaga
1	102.04-3.24.2	Cheektowaga

and be it further

RESOLVED, that certified copies of this resolution be sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment Planning; Nancy A. Naples, County Comptroller; Gregory A. Dudek, Assistant County Attorney; and Joseph Passafiume, Director, Budget, Management and Finance.
(5-0)

7. COMM. 11E-19

COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers when the NYSDOT reconstructs the roads in 2006 and 2007; and

WHEREAS, cost estimates show that the estimated cost to Erie County Sewer District No. 3 is now \$1,700,000.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 3, and the NYSDOT for the rebuilding of the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg together with the NYSDOT's reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the NYSDOT an amount not to exceed \$1,700,000 from ECSD No. 3 Capital Account C.00039 for the replacement of Main Street and Buffalo Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning.

(5-0)

8. COMM. 11E-20

COUNTY EXECUTIVE

WHEREAS, a resolution to authorize 2005 Budget Revisions to transfer funds in the total amount of \$123,400 from the ID-DISS Account 980000 to Auto, Truck and Heavy Equipment Supplies Account 505600 is requested; and

WHEREAS, it is necessary to transfer said amounts as outlined below in each of the Sewer Districts to allow the Sewer Districts and the Southtowns Sewage Treatment Agency to access the proper account for the purchase of gasoline and diesel fuel needed for Sewer District vehicles.

NOW, THEREFORE, BE IT

RESOLVED, that 2005 budget revisions be made to transfer each of the following budgeted amounts in the 2005 Budget from SAP Account 980000 – ID - DISS to SAP Account, 505600, Auto, Truck and Heavy Equipment Supplies:

<u>Fund</u>	<u>Cost Center</u>	<u>Amt. to be transferred from 980000 to 505600</u>
220	1811010	\$ 57,500
220	1821010	\$ 21,200
220	1831010	\$ 25,500
220	1861010	<u>\$ 19,200</u>
Total Amount of Transfer		\$123,400

and other adjustments required in the ID Account in the General Fund 110.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Joseph Passifume, Director of Budget, Management and Finance; and Nancy Naples Erie County Comptroller.

(5-0)

9. COMM. 11E-21

COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

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WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive; Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

**RAYMOND K. DUSZA
CHAIRMAN**

MS. MARINELLI moved to approve the report. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 33 - MS. MARINELLI presented the following report and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

APRIL 27, 2005

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.
 - a. COMM. 10M-5 (2005)
NYPA: Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA

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(5-0)

2. RESOLVED, that the following item is hereby received and referred to the ENERGY & ENVIRONMENT COMMITTEE.
 - a. INTRO 11-1 (2005)
DUSZA: Support For NYS Medicaid Fair Share Legislation
(5-0)
3. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 4M-6 (2005)
KEVIN P. GAUGHAN: "The Gaughan Plan" for EC & Buffalo Merger
(5-0)
 - b. INTRO 8-2 (2005)
WEINSTEIN: A 25% Legislator Salary Reduction Set Aside For Constituent Service
(5-0)
 - c. INTRO 8-9 (2005)
WEINSTEIN: 2005 District Office Adjustments
(5-0)
 - d. COMM. 10E-3 (2005)
COMPTROLLER: Copy of Letter to DISS Director Re: SAP Ownership/Proprietary Information
(5-0)
 - e. COMM. 10E-4 (2005)
COMPTROLLER: Copy of Letter to DISS Director Re: Comm. 10D-9
(5-0)
 - f. COMM. 10E-12 (2005)
COMPTROLLER: Letter to Legislature Re: Finance Division Cashier Operations
(5-0)
 - g. COMM. 10E-54 (2005)
COUNTY CLERK: Resolution Regarding 2005 Budget Appropriations for the Erie County Clerk's Office (Registrar & Auto Bureau)
(5-0)
 - h. COMM. 10D-3 (2005)
COUNTY ATTORNEY: Copy of Letter to Budget Director Re: Void Resolution Reducing 2005 Budget Appropriation for NFTA; NFTA Appropriation Statutorily Required and Fully Encumbered
(5-0)

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- i. COMM. 10D-7 (2005)
COUNTY ATTORNEY: Transmittal of New Claim Against EC
(5-0)
- j. COMM. 10D-8 (2005)
COUNTY ATTORNEY: Transmittal of New Claims Against EC
(5-0)
- k. COMM. 10D-9 (2005)
DISS: Memo to Comptroller Re: Response to SAP Ownership/Proprietary Information
3/17/2005
(5-0)
- l. COMM. 10D-15 (2005)
COUNTY ATTORNEY: Transmittal of New Claim Against EC
(5-0)
- m. COMM. 10M-2 (2005)
NYS SUPREME COURT: Suit against ECL Re: Probation Department Layoffs
(5-0)
- n. COMM. 10M-3 (2005)
MAYOR OF BUFFALO: Copy of Letter to NYPA Chair Re: Regional Cultural Asset Fund
(5-0)
- o. COMM. 10M-6 (2005)
DAVE CORDERO: E-Mail sent to Legislators Re: Deputy Parks Commissioners
(5-0)
- p. COMM. 10M-10 (2005)
GLOBALQUEST SOLUTIONS INC.: Copy of Letter to Comptroller Re: Comm. 10E-3
(5-0)
- q. COMM. 10M-17 (2005)
ASSEMBLYMAN HOYT: Copy of Letter to NYPS Chair Re: Support of Regional Cultural
Asset Fund
(5-0)
- r. COMM. 10M-23 (2005)
TOWN OF TONAWANDA TOWN BOARD: Copy of Certified Resolution Re:
Opposition to Greiner Commission Recommendations
(5-0)
- s. INTRO 11-2 (2005)
MARSHALL: Opposition To Media Restrictions In ECL Chamber
(5-0)

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- t. INTRO 11-11 (2005)
WEINSTEIN: Immediate Opening of Second Department of Motor Vehicles (DMV) Bureau
(5-0)
- u. INTRO 11-12 (2005)
WEINSTEIN: Addressing Delays in Registrar's Office
(5-0)
- v. COMM. 11E-1 (2005)
COUNTY CLERK: Letter to Holt Re: Restoration of Staff In Clerk's Office
(5-0)
- w. COMM. 11E-31 (2005)
COMPTROLLER: Letter to ECL Re: Accounts Payable Backlog
(5-0)

4. COMM. 6E-17 (2005)
COUNTY EXECUTIVE
WHEREAS, many Erie County Competitive and Non-Competitive Class Civil Service positions require specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, in order to fill these Competitive Class and Non-Competitive Class positions, it is necessary to hire individuals and provide specialized training to them, and

WHEREAS, in order to facilitate the hiring of individuals to receive this specialized training and experience, certain County positions are filled on a trainee or underfill basis from trainee Civil Service lists or in the absence of a valid trainee list, on a provisional or temporary basis, and

WHEREAS, since the specific budget amendment authorizing the filling of County positions on a trainee or underfill basis was eliminated from the budget, departments will not be able to fill such positions which will then impair the departments ability to render services to the public,

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2005 funds appropriated for the Competitive and Non-Competitive Class positions listed below, may be used to pay a trainee or underfill a lesser amount until such employee becomes qualified to fill such positions:

Child Protective Worker
Computer Operator
Computer Programmer
Interne Personnel Specialist
Probation Officer
Probation Officer (Spanish Speaking)
Investigating Public Health Sanitarian

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Sewage Treatment Plant Operator

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Department of Personnel and the Office of the Comptroller.

(5-0)

5. INTRO 8-11 (2005)

HOLT, KENNEDY, SWANICK, & CHASE

WHEREAS, at 641 miles, the Governor Thomas E. Dewey Thruway is the longest toll highway system in the United States, and

WHEREAS, the New York State Thruway Authority (NYSTA) is a public benefit corporation under the State of New York, whose three commissioners are appointed by the Governor, and

WHEREAS, under the original concept establishing NYSTA in 1950, once the original 40-year bonds for the construction of the Thruway were paid-off in 1996, the tolls across the Thruway system were intended to be eliminated, and

WHEREAS, since that time, the NYSTA and Governor Pataki have consistently refused to eliminate the tolls or to consider alternatives to the tolls, particularly for local residents and commuters who regularly or daily utilize the Thruway (Interstate 90 or Interstate 190) and

WHEREAS, in the immediate Buffalo area, the NYSTA maintains toll barriers at the North Grand Island Bridge, South Grand Island Bridge, Black Rock, Breckenridge/Buffalo City Line, Williamsville, Depew, Lackawanna, Blasdell, and Hamburg, and

WHEREAS, toll barriers have been likened to "commuter taxes" on persons or businesses traversing New York State for work or pleasure, and

WHEREAS, in early 2004, NYS Department of Transportation Commissioner Joseph Boardman suggested, in his testimony before a NYS Legislature fiscal panel, that the Department is examining the imposition of additional tolls on roads and highways in major trade corridors to offset losses in road funding dollars from the Federal government, and

WHEREAS, continued and additional tolls on other roads or highways in Erie County will only succeed in hurting the people and businesses in this area, further hampering any future economic development and adding to traffic congestion and delay in this area, and

WHEREAS, in recent years, many public officials, advocacy groups and taxpayers have forcefully and clearly expressed their opposition to, and desire that the toll barriers coming into the Buffalo area should be eliminated and/or relocated, and

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WHEREAS, business and consumer groups alike oppose the tolls, with the Chair of Buffalo Place recently pointing out that Buffalo is the only city or metropolitan area in Upstate New York “where you need to pay tolls to access downtown,” and

WHEREAS, the Erie County Legislature would again like to state for the public record its opposition to continued tolls at Ogden, Breckenridge, North and South Grand Island Bridges, Williamsville, Depew, Lackawanna, Blasdell and Hamburg, and

WHEREAS, passenger cars pay \$0.50 each time to pass through the North Grand Island Bridge, South Grand Island Bridge, Black Rock, and Breckenridge/Buffalo City Line toll barriers, and pay \$0.15 to travel between the Williamsville and Depew barriers, \$0.15 to travel between the Lackawanna and Blasdell barriers, and \$0.25 to travel between the Lackawanna and Hamburg barriers, and

WHEREAS, for daily commuters and local residents these costs are considerable and unduly burdensome, and

WHEREAS, in partial response, the NYSTA offers special discount plans for Grand Island commuters and Grand Island residents allowing them to pay \$0.13 per trip (commuters) through the North and South Grand Island Bridges (as opposed to \$0.50 per trip) and allowing Grand Island residents to pay \$0.09 per trip, and

WHEREAS, no other special discount plan is offered to local residents and commuters for the Black Rock, Breckenridge/Buffalo City Line, Williamsville, Depew, Lackawanna, Blasdell, and Hamburg toll barriers, and

WHEREAS, NYSTA and E-Z Pass allow discount plans for commuters and residents who use the Thruway in the New York City region, but offer no such discounts in Western New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its opposition to the imposition of additional, higher tolls on roads and highways in New York State, and in particular, Western New York, and be it further

RESOLVED, that the Erie County Legislature does hereby reiterate its opposition to the continued use of the toll barriers located at Ogden, Breckenridge, North and South Grand Island Bridges, Williamsville, Depew, Lackawanna, Blasdell and Hamburg, and be it further

RESOLVED, that the Erie County Legislature calls on the New York State Legislature and the Governor, to use their statutory powers to compel the New York State Thruway Authority (NYSTA) to eliminate tolls and toll barriers on Interstate 190 – the North and South Grand Island Bridges and the Black Rock and Breckenridge/Buffalo City Line toll barriers, and the toll barriers at Williamsville, Depew, Lackawanna, Blasdell and Hamburg, and be it further

RESOLVED, that in the meantime, and in the likelihood that NYSTA will not remove those tolls, this Honorable Body calls on the New York State Legislature and Governor to compel

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NYSTA to provide a commuter/resident discount plan for local residents who daily use the Thruway and travel through the Black Rock, Breckenridge/Buffalo City Line, Willamsville, Depew, Lackawanna, Blasdell and Hamburg toll barriers, to allow those residents and commuters similar options to those residents/commuters who enjoy and participate in the Thruway Grand Island resident or commuter discount plans, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, local delegation of the New York State Legislature, John Buono, Chairman of the NYSTA (200 Southern Boulevard, P.O. Box 189, Albany, NY 12201-0189), Hal Morse, Executive Director of the Greater Buffalo Niagara Regional Transportation Council (438 Main Street, Suite 503, Buffalo, NY 14202), Erie County Clerk David Swarts, and to the Supervisor or Mayor of every town, city and village in Erie County.

(5-0)

6. COMM. 11E-14

COUNTY EXECUTIVE

WHEREAS, the departments in the County of Erie are running at or below minimal staffing levels and will have a difficult time accomplishing necessary functions, and

WHEREAS, employees vacation and compensatory leave time banks are currently limited by a cap that could cause the employee to lose earned leave time, and

WHEREAS, it would be in the best interest of all parties to remove these time caps

NOW, THEREFORE, BE IT

RESOLVED, the caps be removed from Competitive Class MC employees vacation and compensatory time leave banks, and be it further

RESOLVED, that the employees that earn additional will be allowed to carry this time forward until they again get below the cap. The additional time over the cap must be used before separation from County service, this will allow for a cash-out payment limited to the current maximum limits, and be it further

RESOLVED, that the Commissioner of Personnel, in conjunction with the Director of Labor Relations, may on a case by case basis approve the lifting of time caps for employees in the interest of productivity.

(5-0)

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved to separate item #6 (Comm. 11E-14) and approve the balance of the report. MR. DeBENEDETTI seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

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MS. MARINELLI moved to amend item #6. MR. DeBENEDETTI seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

AN AMENDMENT TO COMM. 11E-14
 TO BE SUBMITTED BY LEGISLATOR MARINELLI

RE: EMPLOYEE LEAVE CAPS

DELETE the existing third (3rd) RESOLVE Clause and **REPLACE** with the following:

RESOLVED, that the Commissioner of Personnel, in conjunction with the Director of Labor Relations, may on a case by case basis approve the lifting of time caps for employees in the interest of productivity for the year 2005, with reports to be provided to the Legislature denoting the names of such employees and the hours above the cap provided to such employees.

MS. MARINELLI moved for the approval of the item as amended. MR. DEBENEDETTI seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

Item 34 - MR. SMITH presented the following report and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

APRIL 27, 2005

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

1. COMM. 1D-21 (2004) **AS AMENDED**
DIRECTOR OF BUDGET, MANAGEMENT, & FINANCE

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing)

NOW THEREFORE BE IT,

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RESOLVED, that petitions numbered **205196** through **205209** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2005 Petition No. **205,196.00**

ASSESSOR **Cancel** \$78.62

S-B-L 20.00-3-31 **145689 NEWSTEAD**

Acct. No. 112 \$78.62 County
Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : **145689 NEWSTEAD** **\$0.00**

AGED EXEMPTION INCORRECT

FISCAL YEAR 2005 Petition No. **205,197.00**

ASSESSOR **Cancel** \$208.92

S-B-L 119.11-4-23 **142001 ALDEN**

Acct. No. 112 \$151.69 County
Acct. No. 132 \$57.23 Town/SpecialDist/School

Charge To : **142001 ALDEN** **\$57.23**

WRONG ASSESSMENT

FISCAL YEAR 2005 Petition No. **205,198.00**

OWNER **Refund** \$279.12

S-B-L 79.11-1-20 **142289 AMHERST**

Acct. No. 112 \$279.12 County
Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$0.00**

DENIED REFUND – REGARDING 520'S

FISCAL YEAR 2005 Petition No. **205,199.00**

MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE**ASSESSOR **Cancel** \$919.48**S-B-L** 113.08-1-1.1 **143089 CHEEKTOWAGA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$919.48	Town/SpecialDist/School

30300 ERIE CO SEW DST 1 \$919.48

Charge To : **143089 CHEEKTOWAGA** **\$0.00****FISCAL YEAR** 2005 Petition No. **205,200.00**ASSESSOR **Cancel** \$7.35**S-B-L** 104.63-2-4 **145201 DEPEW**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$7.35	Town/SpecialDist/School

Charge To : **145201 DEPEW** **\$7.35**

Relevy Village \$7.35 Village of DEPEW
 OWNED BY ERIE CO SWR – WHOLLY EX

FISCAL YEAR 2004 Petition No. **205,201.00**ASSESSOR **Refund** \$272.23**S-B-L** 47.19-1-12 **145689 NEWSTEAD**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$272.23	Town/SpecialDist/School

Charge To : **145689 NEWSTEAD** **\$272.23**
Relevy School \$272.23 145601 AKRON CENTRAL

QUALIFIES FOR ENHANCED STAR EXEM NOT BASIC

FISCAL YEAR 2002 Petition No. **205,202.00**ASSESSOR **Refund** \$584.11**S-B-L** 78.34-3-9 **146489 TONAWANDA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$584.11	Town/SpecialDist/School

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<u>Charge To :</u>	146489 TONAWANDA	\$584.11	
	Relevy School	\$584.11	146401 KEN-TON UNION FREE

AGED EXEM OMITTED

FISCAL YEAR 2003	Petition No.	205,203.00
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ASSESSOR	Refund	\$662.67
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S-B-L 78.34-3-9	146489 TONAWANDA
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Acct. No. 112	\$0.00	County
Acct. No. 132	\$662.67	Town/SpecialDist/School

<u>Charge To :</u>	146489 TONAWANDA	\$662.67	
	Relevy School	\$662.67	146401 KEN-TON UNION FREE

AGED EXEM OMITTED

FISCAL YEAR 2003	Petition No.	205,204.00
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ASSESSOR	Refund	\$323.52
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S-B-L 78.34-3-9	146489 TONAWANDA
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Acct. No. 112	\$158.55	County
Acct. No. 132	\$164.97	Town/SpecialDist/School

<u>Charge To :</u>	146489 TONAWANDA	\$164.97	
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AGED EXEM OMITTED

FISCAL YEAR 2004	Petition No.	205,205.00
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ASSESSOR	Refund	\$340.85
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S-B-L 78.34-3-9	146489 TONAWANDA
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Acct. No. 112	\$154.39	County
Acct. No. 132	\$186.46	Town/SpecialDist/School

<u>Charge To :</u>	146489 TONAWANDA	\$186.46	
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AGED EXEM OMITTED

MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE****FISCAL YEAR 2005 Petition No. 205,206.00****ASSESSOR Refund \$160.46****S-B-L 78.34-3-9 146489 TONAWANDA**

Acct. No. 112	\$160.46	County
Acct. No. 132	\$0.00	Town/SpecialDist/School

<u>Charge To :</u>	146489 TONAWANDA	\$0.00
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CO AGED EXEM OMITTED

FISCAL YEAR 2002 Petition No. 205,207.00**ASSESSOR Refund \$582.44****S-B-L 28.33-1-39 142289 AMHERST**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$582.44	Town/SpecialDist/School

<u>Charge To :</u>	142289 AMHERST	\$582.44
	Relevy School	\$582.44 142203 WILLIAMSVILLE CENT

STAR EXEM OMITTED

FISCAL YEAR 2003 Petition No. 205,208.00**ASSESSOR Refund \$587.16****S-B-L 28.33-1-39 142289 AMHERST**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$587.16	Town/SpecialDist/School

<u>Charge To :</u>	142289 AMHERST	\$587.16
	Relevy School	\$587.16 142203 WILLIAMSVILLE CENT

STAR EXEM OMITTED

FISCAL YEAR 2004 Petition No. 205,209.00

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ASSESSOR **Refund** \$598.19

S-B-L 28.33-1-39

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.19	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$598.19	
	Relevy School	\$598.19	142203 WILLIAMSVILLE CENT

STAR EXEM OMITTED

(4-0)

DEMONE A. SMITH
CHAIRPERSON

MR. SMITH moved for the approval of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

Item 35 – CHAIRMAN HOLT directed the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-1 from LEGISLATOR WEINSTEIN Re: The Erie County Charter Revision Commission Examining The Current Structure of the Erie County Legislature

Item 36 – CHAIRMAN HOLT directed the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-2 from LEGISLATOR WEINSTEIN Re: Public Access To Meetings

Item 37 - CHAIRMAN HOLT directed the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-3 from LEGISLATOR WEINSTEIN Re: Multiple County Services

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

RE: Support For Creation of Buffalo Waterfront
Development Corporation (INTRO 12-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KENNEDY**

WHEREAS, redevelopment of Buffalo's Outer Harbor and Inner Harbor waterfront areas has languished for decades, producing little in the way of physical improvements, enhancements to public access, parkland development and commercial, entertainment and residential mixed-use development, and

WHEREAS, for generations, many entities – governmental, quasi-governmental and private – were involved in waterfront development, but these entities have precious little to show for their years of efforts, and

WHEREAS, the area in which significant public access improvement have been seen is at the site commonly known as Gallagher Beach, where the construction of a boardwalk, walking paths, increased lighting and other amenities have better connected the people to the waterfront, and have resulted more and better public access to the Outer Harbor, and

WHEREAS, led as it was by the then-New York State Assemblyman Brian Higgins, the Gallagher Beach project, comprising nearly 90 acres of prime waterfront land, represents the first successful Outer Harbor redevelopment project in generations, and will culminate in its opening in 2006 as Buffalo Outer Harbor State Park, and

WHEREAS, now as the member of Congress for New York's 27th Congressional District, Mr. Higgins has proposed the creation of a locally controlled waterfront development corporation with a limited life span and clearly defined responsibilities including the financing, design, engineering and construction of development projects along the Inner and Outer Harbor, as well as certain areas within traditional waterfront boundaries, and

WHEREAS, in so doing, this Corporation would wipe the slate clean of the myriad economic development and other associated agencies – governmental, quasi-governmental and otherwise – with competing interests and fair-to-poor records of delivery on promises; instead, what is envisioned is an entity with a limited life span which seeks to focus on forward progress now, with less emphasis on studies and surveys, and more emphasis on the design and construction of physical improvements to the Lake Erie shoreline, and

WHEREAS, Congressman Higgins has proposed the establishment of the Buffalo Waterfront Development Corporation in a letter to the Governor, the Erie County Executive and the Mayor of Buffalo, and has secured the support of New York's United States Senators in this effort, and

WHEREAS, the purpose of this proposed Corporation is very simple: its creation will result in real projects, with real timelines, with jobs for real Western New York families and with real accountability to the public at large for meeting its goals; it will represent the death of the broken

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promises about waterfront development made to generations of Western New Yorkers and to the failed expectations of those who have gone before us, and

WHEREAS, endorsement of this proposal by the Legislature would place this Honorable Body on record in support, and would help to fulfill the Legislature's commitment to enhancing and improving economic development in Buffalo, Erie County and Western New York,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the enhancement and improvement of economic development and job creation efforts in Buffalo, Erie County and Western New York, and be it further

RESOLVED, that this Honorable Body does hereby endorse the proposal offered by Congressman Brian Higgins with respect to creation of a locally controlled waterfront development corporation with a limited life span and clearly defined responsibilities including the financing, design, engineering and construction of development projects along Inner and Outer Harbor, as well as certain areas within traditional waterfront boundaries, and be it further

RESOLVED, that this Honorable Body does hereby call upon the Erie County Executive and the Mayor of Buffalo to endorse this proposal, and does urge both leaders to join with this Honorable Body in urging the Governor of New York to support this proposal and move forward with it quickly, and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor of the State of New York, the Erie County Executive, the Mayor of Buffalo, the Buffalo Common Council, the Chairman of the Empire State Development Corporation, the Chairman of the Erie County Industrial Development Agency, and the Board of Directors of the Buffalo Niagara Partnership.

TIMOTHY M. KENNEDY

Fiscal Impact: Positive for Taxpayers & Residents

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN. NOT PRESENT: SWANICK. (AYES: 8, NOES: 6, NOT PRESENT: 1)

RESOLUTION NO. 110

RE: Re-Purposing The Road Repair Reserve Fund For 2005 Budget Uses (INTRO 12-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR DEBENEDETTI**

WHEREAS, many Legislators are desirous of re-opening county facilities and re-establishing county services for residents' use in 2005, but are currently constrained due to budgetary shortfalls, and

WHEREAS, one method to address the 2005 declared deficit could entail the use of the Road Repair Reserve Fund, which is budgeted for \$8,047,850 in 2005, and

WHEREAS, in order for the County to utilize the Road Repair Reserve Fund to cover the new 2005 deficit, state legislation is required as well as a Home Rule Message to the State,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby formally request that the New York State Legislature introduce appropriate legislation in the Assembly and Senate to allow the County to consider adopting Home Rule Messages to the State in order that the County may repurpose the Road Repair Reserve Fund in 2005 to address county budget needs and to re-open county facilities and re-establish county services, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the Assembly Speaker, the Senate Majority Leader, the local delegation of the State Legislature, the County Executive, County Comptroller, Budget Director, and County Attorney.

ALBERT DEBENEDETTI

Fiscal Impact: Not known at this time.

MS. MARINELLI moved to amend the resolution by adding HOLT, MARINELLI, and SMITH as Co-Sponsors.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved to send the item to the FINANCE & MANAGEMENT COMMITTEE. MS. CHASE seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN. NOES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOT PRESENT: SWANICK (AYES: 6, NOES: 8, NOT PRESENT: 1)

FAILED.

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN. NOT PRESENT: SWANICK. (AYES: 8, NOES: 6, NOT PRESENT: 1)

CARRIED.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: Requesting Report on Erie County
Personnel From The Erie County Personnel
Commissioner (INTRO 12-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR DEBENEDETTI**

WHEREAS, the Erie County Personnel Commissioner has responsibility for overseeing all employees of Erie County government, including monitoring their hiring, departure from the County workforce, and salary, and

WHEREAS, the Personnel Commissioner recently stated that his department routinely generates a monthly report concerning the County workforce, including noting all personnel actions such as new hires, retirements, layoffs, and resignations, and

WHEREAS, given a recent letter from Comptroller Nancy Naples questioning the apparent layoff of 750 County employees, and not 1,500 County employees, it would be helpful to receive such reports or reporting from the Personnel Commissioner in order to determine if the County is meeting the budget targets as set in the February and March 2005 budget adjustments,

NOW, THEREFORE, BE IT

MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby request that the Personnel Commissioner provide the Legislature with his monthly personnel reports for January, February, March and April 2005, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Comptroller, County Attorney, Personnel Commissioner, and New York State Comptroller.

ALBERT DEBENEDETTI

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 112

RE: Allocating Funding For All-High Stadium
Project (INTRO 12-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HOLT, SMITH, MARINELLI AND DEBENEDETTI**

WHEREAS, on November 18, 1999, in a bipartisan and wide-ranging show of support for the City of Buffalo and the Buffalo Public Schools, the Erie County Legislature unanimously appropriated \$25,000 for a study and Project Initiation Report for the rehabilitation of All-High Stadium, and

WHEREAS, in the 2000 Erie County Budget, \$1 million was allocated for the purpose of assisting in the rehabilitation of All-High Stadium, and

WHEREAS, on November 30, 2000, the Legislature unanimously approved transferring \$1 million to an account for the Buffalo Public Schools All-High Stadium project, and

WHEREAS, since that time, the \$1 million in All-High Stadium funds have remained in a County account (X-Vendor) without being spent or utilized, and

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WHEREAS, the Buffalo Public Schools are scheduled to start the All-High Project on May 1, 2005, an \$8 million rehabilitation project using local, county, state and private funds, including \$250,000 from the Buffalo Bills, to replace a four-lane cinder track with an eight-lane modern track and to replace the grass football field with a modern, all-weather surface, and

WHEREAS, the County Executive recently requested that the \$1 million for All-High Stadium be taken from its account and used to open Erie County parks in 2005, and

WHEREAS, regardless of the merits of that proposal, the Legislature does express its interest in using \$1 million in tobacco proceeds to fund the All-High Stadium project, and to demonstrate a commitment to assisting the City of Buffalo and to maintain the County's 5-year-long commitment to the project and to assisting in the rehabilitation of the 78-year-old stadium.

NOW, THEREFORE, BE IT

RESOLVED, that in order to maintain the County's commitment to the City of Buffalo and the Buffalo Public Schools, this Honorable Body does hereby allocate and appropriate \$1,000,000 in tobacco proceeds for the All-High Stadium project, in order that the project may commence in 2005 and that the facility might be available in 2006 for sporting activities and community events, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Budget Director, County Attorney, Buffalo Board of Education, and David Thomas of the Buffalo Public Schools.

GEORGE A. HOLT, JR.

DEMONE SMITH

LYNN M. MARINELLI

ALBERT DEBENEDETTI

Fiscal Impact: Use of \$1 million in Tobacco Funds.

MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN. NOT PRESENT: SWANICK.(AYES: 8, NOES: 6. NOT PRESENT: 1)

CARRIED.

Item 42 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 12
May 5, 2005

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 113

RE: Calling On The Erie County Executive To
Declare Any Additional 2005 Deficit & Report
To The Legislature (INTRO 12-8)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, KUWIK, DUSZA, DEBENEDETTI, SMITH & KENNEDY

WHEREAS, according to an April 26, 2005 letter to the Erie County Legislature, Erie County Comptroller Nancy Naples has estimated the 2005 Erie County budget, even after the various adjustments and reductions in February and March 2005, is still out of balance by potentially as much as \$113.5 million, and

WHEREAS, in March, County Executive Joel Giambra declared a \$14.1 million deficit for 2005, which requires action from the Legislature, and

WHEREAS, Section 1806 of the Erie County Charter, states: "If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county executive shall report to the county legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The county legislature shall take such action as it deems necessary to prevent or minimize any deficit," and

WHEREAS, while the administration recently has made statements of an estimated \$60 million of an additional 2005 deficit, no written communication has been made by the County Executive to the Legislature declaring the 2005 Budget to be out of balance beyond the \$14.1 million, and

WHEREAS, the New York State Comptroller, at the unanimous request of the Legislature, is conducting a financial review of Erie County, and is scheduled to report by mid-June, and

WHEREAS, at the time of the clock-in of this resolution, the Legislature does not possess a copy of the adjusted, amended 2005 Erie County Budget, and

WHEREAS, at the time of the clock-in of this resolution, the Legislature still does not have a copy of any Budget Monitoring Reports for the 2005 Fiscal Year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call on the County Executive to comply with Section 1806 of the Erie County Charter, and to report forthwith to the Legislature, the estimated size of the 2005 deficit, and the remedial action to be taken and recommended by him to close that budget deficit, in order that the Legislature may act accordingly toward the 2005 budget deficit, and be it further

RESOLVED, the Erie County Legislature requests copies of the 2005 adopted, amended budget and directs the administration to provide the Legislature with the required 2005 Budget Monitoring Reports, and be it further

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RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Comptroller, County Attorney, Personnel Commissioner, and New York State Comptroller.

LYNN M. MARINELLI

EDWARD KUWIK

RAYMOND K. DUSZA

ALBERT DEBENEDETTI

DEMONE SMITH

TIMOTHY KENNEDY

Fiscal Impact: None for this resolution. Necessary for budget corrections and balancing.

MS. MARINELLI moved to amend the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO INTRO. 12-8
TO BE SUBMITTED BY LEGISLATOR MARINELLI

ADD Holt and Wroblewski as co-sponsors.

DELETE the fourth (4th) and seventh (7th) WHEREAS Clauses in their entirety.

DELETE the first (1st) RESOLVE Clause in its entirety.

DELETE the second (2nd) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, the Erie County Legislature requests copies of the 2005 adopted, amended budget, and be it further

MS. MARINELLI moved for the approval of the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – CHAIRMAN HOLT directed the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 12-9 from LEGISLATOR SMITH Re: Opposition To The New Federal Bankruptcy Laws

SUSPENSION OF THE RULES

MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE**

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 12E-50 from the COUNTY EXECUTIVE Re: Section 1806 Declaration

Received and referred the FINANCE & MANAGEMENT COMMITTEE:

Item 45 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 12E-51 from LEGISLATOR SMITH Re: Copy of Letter to Governor Re: State Hospital Closing Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 12E-52 from CHAIRMAN HOLT Re: Letter to Department Heads Re: Requesting Attendance to Next Finance & Management Meeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 47 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Comm. 12M-11 from the DEPARTMENT OF THE ARMY Re: Notice of Active Duty Training for Mr. Swanick

Received, Filed, and Printed.

DEPARTMENT OF THE ARMY
HQS 1ST BN 390TH REGT 2ND BDE 98TH DIV (IT)
100 NORTH FOREST ROAD
BUFFALO, NEW YORK 14221-5297

4 May, 2005

TO WHOM IT MAY CONCERN:

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RE: Request for Leave of Absence

Pursuant to section 2024 of Chapter 43, Title 38, United States Code (Reemployment rights) I hereby request a leave of absence for training in the United States Army Reserve as indicated below:

(X) Active Duty Training at Ft. Drum, NY scheduled from Monday 9, 2005 through Monday 16 May 2005

() Other Training Scheduled for:

Swanick, Charles M., MSG, XXX-XX-XXXX

(Print Name/Rank/SSN)

SECTION 2024 OF CHAPTER 43, TITLE 38, UNITED STATES CODE PROVIDES A STATUTORY LEAVE OF ABSENCE AND REEMPLOYMENT RIGHTS FOR PERSONS EMPLOYED BY PRIVATE EMPLOYERS, BY ANY STATE AND THEIR POLITICAL SUBDIVISIONS WHO HOLD POSITIONS OTHER THAN TEMPORARY AND REQUEST LEAVE TO PERFORM MILITARY TRAINING.

STEPHEN J. VANASKIE
MAJ, EN, USAR
Acting Commander

Item 48 - MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Comm. 12M-12 From HARTER, SECREST, & EMERY Re: Letter to Members of ECL Staff Re: Naples v Erie County, et al - Index No.: I2005 – 1504

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

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Item 49 – (Comm. 12E-1) Letter To Legislature Re: Bloomberg News Article Published 1/3/05

Item 50 – (Comm. 12E-2) Copy of Letter to DSS Commissioner Re: 2004 Year-End Balances

Item 51 – (Comm. 12E-3) Letter to Legislature Re: Availability of Fund Balance - Park Resolution

Item 52 – (Comm. 12E-4) Copy of Letter to Budget Director & Personnel Commissioner Re: Positions Deleted - Effect of Cash Flow

Item 53 – (Comm. 12E-5) Copy of Letter to Budget Director Re: Request for Information Regarding Need for 2004 Adjusting Journal Entries

FROM LEGISLATOR SMITH

Item 54 – (Comm. 12E-6) Copy of Letter to Personnel Commissioner - Re: EC Employees earning more than \$100,000

Item 55 – (Comm. 12E-7) Copy of Letter to Budget Director Re: Budget Monitoring Reports

Item 56 – (Comm. 12E-8) Copy of Letter to Comptroller & Budget Director Re: 2004 County Deficit

FROM THE COMPTROLLER

Item 57 – (Comm. 12E-9) Letter to Legislature Re: 2004 Fund Balance

The above nine items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (Comm. 12E-10) Bond Reso - \$4,000,000 - Improvement of the Facilities at ECSD No. 6

Item 59 – (Comm. 12E-11) Bond Reso - \$9,100,000 - Improvement of the Facilities at EC - Southtowns Sewage Treatment Agency

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (Comm. 12E-12) Letter to Smith Re: Comm. 12E-8

Item 61 – (Comm. 12E-13) Letter to Legislature Re: 2005 Budget

Item 62 – (Comm. 12E-14) Copy of Letter to County Attorney Re: Issuance of Bonds For the Purpose of Providing Funds For the County's Risk Retention Program

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ERIE COUNTY LEGISLATURE

Item 63 – (Comm. 12E-15) Bond Reso - \$15,182,550 - ECMC Capital Program

Item 64 – (Comm. 12E-16) Interim Financial Statements for 3-Month Period Ending 3/31/05

The above five items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 65 – (Comm. 12E-17) Copy of Letter to Bar Association of EC President Re: Re-appointment to the Board of Directors of EC Bar Association Aid To Indigent Prisoners Society, Inc., Assigned Counsel Program

Received, Filed, and Printed.

April 29, 2005

James M. Shaw, Esq.
President
Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202

Dear Mr. Shaw:

As Majority Leader of the Erie County Legislature, I hereby recommend to the Bar Association of Erie County the re-appointment of Ms. Leigh Anderson to the Board of Directors of Erie County Bar Association Aid To Indigent Prisoners Society, Inc., Assigned Counsel Program.

Thank you for your assistance and courtesies.

Sincerely,

Lynn M. Marinelli
Majority Leader
Erie County Legislature

Cc: Robert D. Lonski, Esq., Administrator of the Assigned Counsel Program
Leigh Anderson
Kevin M. Kelley, Clerk of the Erie County Legislature

Item 66 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 114

RE: Majority Caucus Appointment To The
Citizen's Budget Review Commission (COMM.
12E-18)

May 2, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kelley:

As Majority Leader of the Erie County Legislature, and under the terms of Local Law No. 2-2005, the Majority Caucus of the Erie County Legislature does hereby appoint Sheila Kee to the Citizen's Budget Review Commission of Erie County.

Ms. Kee is a former Erie County Budget Directors, Chief Executive Officer of Erie County Medical Center, and formerly Chief Executive Officer of the Community Health Care Association in New York City.

Thank you for your assistance.

Sincerely,

Lynn M. Marinelli
Majority Leader

Cc: Sheila Kee

MS. MARINELLI moved to amend the item by adding the following resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 12E-18
TO BE SUBMITTED BY LEGISLATOR HOLT

WHEREAS, the Citizen's Budget Review Commission of Erie County has been created through the passage of a local law and signature into law by the County Executive, and

WHEREAS, in accordance with the local law establishing the commission, the following statutory appointments or recommendations for appointment have been made:

County Executive
Chair of LegislatureCarl Falletta
Kenneth Peterson

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Majority Leader of Legislature
 Minority Leader of Legislature
 Business Community
 Labor Community
 CPA Community

Sheila Kee
 James Gately
 Robert Gioia
 Michael Drennan
 Joseph Falbo

and

WHEREAS, the Legislature wishes to act in order that the Commission may initiate its review,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby ratify and confirm the above appointments to the Citizen's Budget Review Commission of Erie County, and be it further

RESOLVED, that the Legislature does hereby take note of the attached letters from Legislator Timothy Kennedy recommending Francisco Vasquez, Ph.D. and Kenneth Kruly for appointment to the Commission as the Legislature's general appointments, and does hereby appoint Dr. Vasquez and Mr. Kruly to the Commission, and be it further

RESOLVED, that the Legislature shall expeditiously appoint an attorney and representative from the banking community as soon as recommendations are received from those communities, and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Comptroller, Budget Director, County Attorney, and the above representatives appointed to the Commission.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved for the approval of the item as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 67 – (Comm. 12E-19) Country's Potential Borrowing Needs For The Remainder Of The Year

FROM LEGISLATOR CHASE

Item 68 – (Comm. 12E-20) Letter to Comptroller Re: Comptroller's Lawsuit Against EC

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

Item 69 – (Comm. 12E-21) Health - Childhood Lead Poisoning Prevention - Program 1/1/04 - 12/31/04 Project #193 - SAP Title: 127CHILDLEAD2004

Item 70 – (Comm. 12E-22) Health - Provider Agreement - NYS Dept. of Health - Refugee Health Program

The above two items were received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 71 – (Comm. 12E-23) PILOT Agreement For Cornerstone Manor

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 72 – (Comm. 12E-24) DEP - NYS Quality Communities Application - Neighborhood Indicators Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 – (Comm. 12E-25) DPW - EC Courts Master Plan Implementation Renovations - Office of Court Administration Reimbursable

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 74 – (Comm. 12E-26) Reappointment to Central Police Services Board of Trustees

Received, Filed, and Printed

May 5, 2005

The Honorable
 Erie County Legislature
 25 Delaware Ave.
 Buffalo, New York 14202

Re: Reappointment to Central Police Services Board of Trustees

Honorable Members:

Pursuant to Article 11-d-03 of the Erie County Administrative Code, I, Joel A. Giambra, Erie County Executive, do hereby reappoint the following individual to the Central Police Services Board of Trustees:

Name

Term Expires

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D. Patrick Curley
48 Harvard Place
Orchard Park, New York 14127

December 31, 2005

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: D. Patrick Curley
Commissioner Kevin Comerford

Item 75 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Appointment to the EC Fire Advisory
Board (COMM. 12E-27)

RESOLVED, the Erie County Legislature does hereby confirm Mr. Dennis Allen, of 80 Center Street, Angola, NY 14006 to the Erie County Fire Advisory Board to replace Clinton L. Soemann for a term to expire on December 31, 2005.

MS. MARINELLI moved for approval of the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 76 – MS. MARINELLI presented the following resolution and moved for immediate consideration . MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: DA - Victim/Witness Assistance (COMM.
12E-28)

WHEREAS, the District Attorney through the NYS Crime Victims Board's Victim/Witness Assistance Grant provides needed services to the residents of Erie County, and

WHEREAS, the District Attorney, in collaboration with the grantor, has programmatically restructured this grant and the budgeted positions therein to take effect as of April 4, 2005, and

WHEREAS, due to these programmatic changes, the District Attorney's Office is requesting the downgrade of the position of Project Coordinator (B-100 #798) from a Job Grade 12 to a Job Grade 10, and

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WHEREAS, due to the 2005 budget cuts that took place early 2005, the position of Receptionist within the Victim Witness Grant has already been eliminated, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets and positions in Book B for 2004, and

WHEREAS, the amended contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that under the Victim/Witness Assistance Program, the Erie County Legislature does hereby provide authorization to downgrade the position of Project Coordinator, Job Grade 12, to a Job Grade 10 retroactive to April 4, 2005, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim/Witness Assistance Program to match state authorized funding levels, to be adjusted as follows:

**VICTIM/WITNESS ASSISTANCE GRANT
114VICTIMWTNNSS0405
October 1, 2004– September 30, 2005**

Revenue	ORIGINAL	CHANGE	FINAL
409000 State Aid Revenue	\$ 255,200	\$ - 0 -	\$ 255,200
479000 County Share Contribution	131,919	(41,160)	90,759
Total Revenue	\$ 387,119	\$ (41,160)	\$ 345,959
Appropriation	ORIGINAL	CHANGE	FINAL
500000 Full Time Salaries	\$ 299,367	\$ (34,367)	\$ 265,000
501000 Overtime	2,510	(2,510)	- 0 -
502000 Fringe Benefits	91,842	- 0 -	91,842
505000 Office Supplies	1,000	(1,000)	- 0 -
510000 Local Mileage	2,000	(500)	1,500
510100 Out of Area Travel	1,500	(1,425)	75
510200 Training & Education	1,000	(1,000)	- 0 -
545000 Rental Charges	400	(358)	42
911490 ID DA Grant Services	(12,500)	- 0 -	(12,500)
Total Appropriations	\$ 387,119	\$ (41,160)	\$ 345,959

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget, Management and Finance.

MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 77 – (Comm. 12E-29) Buffalo Brownfield Redevelopment Fund

Item 78 – (Comm. 12E-30) Construction Funding For Public Improvements In Connection With The Erie Canal Harbor Project in Cooperation With The Empire State Development Corporation and The City of Buffalo

Item 79 – (Comm. 12E-31) Funding For Construction Of The Erie Canal Harbor Project

Item 80 – (Comm. 12E-32) Capital Funding For ECMCC

Item 81 – (Comm. 12E-33) Funding For Reconstruction of All High Stadium

The above five items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 82 – (Comm. 12E-34) NYS Electric & Gas Corporation Transmission Line Permit

Item 83 – (Comm. 12E-35) Dry Fire Hydrant Permit In Sprague Brook Park

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 84 – (Comm. 12E-36) Health - Public Health Preparedness/Response To Bioterrorism - 8/31/04 - 8/30/05 - SAP TITLE: HS127BT0405

Received and referred to the COMMUNITY SERVICES COMMITTEE.

Item 85 – (Comm. 12E-37) DPW - Ralph Wilson Stadium - 2005 - Stadium Structural Repairs & Miscellaneous Work, Phase I

Item 86 – (Comm. 12E-38) Homeland Security Enhancements, Rath/City Hall Security Systems [AB-05-1] - Supplemental Agreement To General Security Consulting Services Agreement

Item 87 – (Comm. 12E-39) Issuance of Fluent Energy A Contract As Utility Technical Services Provider

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 88 – (Comm. 12E-40) DEP - Sewerage Management - Engineering Agreement Close-out - Agreement Dated 4/1/02 - Parsons Engineering Science, Inc.

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 89 – (Comm. 12E-41) Emergency Services - Hazardous Materials Transportation Uniform Safety Act - (HMTUSA Grant Phase VIII)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 90 – (Comm. 12E-42) ECSD No. 2 - Herr Rd. - Buffalo Beach & Shorecliff - Pumping Station Modification Project - Contracts 61PS"A" - General/Mechanical - 61PS"B" - HVAC - 61PS"D" - Electrical - Contract Award

Item 91 – (Comm. 12E-43) ECSD No. 6 - Bethlehem Park Phase II - Village of Hamburg Rt. 391

Item 92 – (Comm. 12E-44) EC/Southtowns Sewage Treatment Agency - Southtowns Sand Filter Project - Contract No. 1ST-E - Change Order No. 1 - O'Connell Electric Company

Item 93 – (Comm. 12E-45) ECSD No. 3 - Boston Town District Nos. 1,3, & 4 - Sanitary Sewer Replacement/Rehabilitation

Item 94 – (Comm. 12E-46) Clean Air/Clean Water Bond Act of 1996 - Application to NYS Dept. of Environmental Conservation for Spaulding Fibre

The above five items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 95 – (Comm. 12E-47) Restoration of Positions Real Property Tax & Collections

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 96 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Emergency Services - Emergency Double Fill - Secretary To The Commissioner Of Emergency Services (COMM. 12E-48)

WHEREAS, the Department of Emergency Services is requesting an emergency double fill for the position of Secretary to the Commissioner, and

WHEREAS, there will be no secretary in the Department of Emergency Services as the result of the Department's secretary retiring on April 15, 2005, and

WHEREAS, the emergency double fill enable the Department to maintain its Secretary to the Commissioner allowing general secretarial work to be accomplished as well as payroll and

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personnel duties and which include being part of the emergency services team during emergency situations, and

WHEREAS, after considering 12 weeks of vacation payout for the retiring secretary, the unemployment benefits of the receptionist who was laid off from the Department on March 15, 2005 and the difference in salary, the projected savings over the course of the rest of the year will be \$1,990.

NOW THEREFORE BE IT

RESOLVED, that the Department of Emergency Services be authorized to double the position of Secretary to the Commissioner of Emergency Services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller and the Department of Emergency Services.

MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 97 – (Comm. 12E-49) DPW - Temporarily Reinstating Two Positions in DPW From 6/1/05 - 12/05

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 98 – (Comm. 12D-1) Copy of Letter to Bolton St. John, Inc Re: EC Lobbying Efforts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BECPL

Item 99 – (Comm. 12D-2) Notice of Meeting & Proposed Agenda For Board of Trustees Meeting Held 4/21

Received and filed.

FROM THE COUNTY ATTORNEY

Item 100 – (Comm. 12D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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ERIE COUNTY LEGISLATURE

FROM ECC

Item 101 – (Comm. 12D-4) Notice of Board of Trustees Meeting Held 4/27

Received and filed.

FROM BUDGET, MANAGEMENT, & FINANCE

Item 102 – (Comm. 12D-5) Copy of Memo to Deputy Comptroller Re: Lawrence W. Smith & Associates, Inc

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 103 – (Comm. 12D-6) Notice of Public Hearing - LL Int. No. 6 – 2005

Received, Filed, and Printed.

April 22, 2005

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Notice of Public Hearing
Local Law Intro. No. 6-2005

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. Which was approved by the Erie County Legislature on April 21, 2005.

Please post the enclosed for the information of anyone who may be interested in attending the hearings.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: GREGORY J. DUDEK
Assistant County Attorney

GJD/crj
Enc.

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May 5, 2005

ERIE COUNTY LEGISLATURE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Tuesday, May 10, 2005, at 9:30 a.m. concerning:

A LOCAL LAW to prohibit the Sale, Purchase and use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices within Erie County.

The hearing will be held in the County Executive Conference Room, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On April 21, 2005, the Erie County Legislature adopted Erie County Local Law Intro. No. 6 of 2005. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM ECC

Item 104 – (Comm. 12D-7) Agenda for Board of Trustees Meeting Held 4/27/05

Received and filed.

FROM PERSONNEL

Item 105 – (Comm. 12D-8) Letter to Smith Re: Response to Inquiry Regarding Employees that make over \$100,000

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM PUBLIC WORKS

Item 106 – (Comm. 12D-9) Month-End Closings

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECMCC

Item 107 – (Comm. 12D-10) Minutes of Board of Directors Meeting Held 4/27/2005

FROM ECC

MEETING NO. 12
May 5, 2005

ERIE COUNTY LEGISLATURE

Item 108 – (Comm. 12D-11) Minutes of Board of Trustees Meeting Held 4/16/05

The above two items were received and filed.

Item 109 – (Comm. 12D-12) 2005-2006 ECC Budget

Received and referred to the COMMUNITY SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BOARD OF HEALTH

Item 110 – (Comm. 12M-1) Notice of Board Meeting to Be Held 5/19/05

FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. -
ASSIGNED COUNSEL PROGRAM

Item 111 – (Comm. 12M-2) Letter to Chairman Re: Comm. 5E-24 (2004)

The above two items were received and filed.

FROM THE NFTA

Item 112 – (Comm. 12M-3) Cashflow Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECIDA

Item 113 – (Comm. 12M-4) Notice of Board of Directors Meeting To Be Held 5/9/2005

Received and filed.

FROM THE TONAWANDA TOWN BOARD

Item 114 – (Comm. 12M-5) Certified Resolution Re: Opposition to Merged Police Force

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM WILLIAM R. GREINER

Item 115 – (Comm. 12M-6) Letter to Chairman, Majority & Minority Leaders Re: Charter Review Commission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO PUBLIC SCHOOLS

MEETING NO. 12
May 5, 2005

ERIE COUNTY LEGISLATURE

Item 116 – (Comm. 12M-7) All High Stadium Reconstruction

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CSEA LOCAL 815, PROBATION SECTION

Item 117 – (Comm. 12M-8) Letter to Kuwik Re: Current Status, Erie County Probation Dept.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE BOARD OF HEALTH

Item 118 – (Comm. 12M-9) Notice of Rescheduled Board Meeting From 5/19/05 To 5/26/05

FROM THE NFTA

Item 119 – (Comm. 12M-10) Notice of Proposed Rulemaking

The above two items were received and filed.

Item 120 – MS. MARINELLI moved for reconsideration of Comm. 12E-33. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Funding For Reconstruction of All High Stadium (Comm. 12E-33)

WHEREAS, The County of Erie desires to participate in the redevelopment of All High Stadium in the City of Buffalo; and

WHEREAS, The renovated stadium will be a high quality, championship facility, an asset to the City and County and competitive with other facilities in the area; and

WHEREAS, The assistance of Erie County is necessary to overcome obstacles in financing the improvements to this facility; and

WHEREAS, The City of Buffalo has committed approximately \$6.6 million towards this project.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the City of Buffalo and/or the Buffalo Board of Education for the purpose of providing funds not to exceed \$1,000,000 to assist in the redevelopment of All High Stadium; and be it further

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RESOLVED, That the source of these funds shall be \$1,000,000 available in the Tobacco Trust Fund; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MS. MARINELLI moved for approval of the item. MR. DeBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DeBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, and WEINSTEIN. NOT PRESENT: SWANICK. (AYES 8, NOES 6, NOT PRESENT 1)

CARRIED.

MEMORIAL RESOLUTIONS

Item 121 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Richard F. Krautsack.

Item 122 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Joyce Sztuk Lenz.

Item 123 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Elmer A. Arnet Jr.

Item 124 – Mr. Kuwik requested that when the Legislature adjourns, it do so in memory of Marjorie A. Atkinson.

Item 125 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Juanita “Silas” Lewis.

Item 126 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Rozella A. McKeating.

Item 127 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of James A. Mallon.

Item 128 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Linda A. Overfield.

ADJOURNMENT

MEETING NO. 12**May 5, 2005****ERIE COUNTY LEGISLATURE**

Item 129 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, May 19, 2005 at 2 p.m. Eastern Standard Time. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 19, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK